

**Exhibit 3;**

**PLAINTIFF'S RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT (TUCSON) (SD MSJ NO. 2)**

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Page 1

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 IN RE: SOCIAL MEDIA ) CASE NO. 4:22-MD-03047-YGR  
4 ADOLESCENT )  
5 ADDICTION/PERSONAL ) MDL No. 3047  
6 INJURY PRODUCTS )  
7 LIABILITY LITIGATION )  
8 \_\_\_\_\_ )  
9 THIS DOCUMENT RELATES )  
10 TO: )  
11 )  
12 Tucson Unified School )  
13 Distriict v. Meta )  
14 Platforms Inc., et al. )  
15 )  
16 Case No. 4:24-CV-01382 )  
17 \_\_\_\_\_ )

Friday, May 23, 2025

Video-Recorded Oral Deposition of  
SABRINA M. SALMON, PhD held at the JW  
Marriott Tucson Starr Pass Resort & Spa,  
Executive Boardroom 2, Tucson, Arizona,  
commencing at 8:09 a.m. MST on the above  
date, before Debra A. Dibble, Fellow of the  
Academy of Professional Reporters, Certified  
Court Reporter, Registered Diplomate  
Reporter, Certified Realtime Reporter.

— — —

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<p style="text-align: right;">Page 7</p> <p>1 TUSD-Salmon-17 Subj: Draft slides for 206</p> <p>2 Budget meeting</p> <p>3 1/19/23,</p> <p>4 SM_TUSD_00514528</p> <p>5 TUSD-Salmon-18 Native spreadsheet 207</p> <p>6 TUSD-Salmon-19 Audio file 229</p> <p>7 TUSD-Salmon-20 Tuesday, February 23, 231</p> <p>8 2021 Agenda for</p> <p>9 Special Board Meeting</p> <p>10 TUSD-Salmon-21 PowerPoint deck, 237</p> <p>11 School Resource</p> <p>12 Officer (SRO) Program</p> <p>13 Committee</p> <p>14 Recommendation</p> <p>15 TUSD-Salmon-22 School Resource 238</p> <p>16 Officer Student Survey</p> <p>17 Results</p> <p>18 TUSD-Salmon-23 Q1 Student's School in 240</p> <p>19 2019-2020</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 9</p> <p>1 -----</p> <p>2 EXAMINATION</p> <p>3 -----</p> <p>4 BY MR. RICE:</p> <p>5 Q. Good morning, Dr. Salmon.</p> <p>6 A. Good morning.</p> <p>7 Q. Could you please state your</p> <p>8 name for the record?</p> <p>9 A. Sabrina Mccrimmon Salmon.</p> <p>10 Q. And do you understand that</p> <p>11 you're testifying under oath today?</p> <p>12 A. Yes.</p> <p>13 Q. Is there any reason you cannot</p> <p>14 give truthful and accurate testimony today?</p> <p>15 A. No.</p> <p>16 Q. Do you understand that if I say</p> <p>17 defendants platforms, I'm referring to</p> <p>18 Facebook, Instagram, TikTok, YouTube, and</p> <p>19 Snapchat?</p> <p>20 A. Yes.</p> <p>21 Q. Where are you employed?</p> <p>22 A. Tucson Unified School District.</p> <p>23 Q. And so you understand that if I</p> <p>24 say TUSD or the district in my questioning</p> <p>25 today, I'm referring to Tucson Unified School</p>

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<p style="text-align: right;">Page 10</p> <p>1 District, correct?</p> <p>2 A. Correct.</p> <p>3 Q. How long have you been employed</p> <p>4 by Tucson Unified School District?</p> <p>5 A. Eight years.</p> <p>6 MR. RICE: Let's mark as</p> <p>7 Exhibit 1, tab 36. Exhibit 1 will be</p> <p>8 Dr. Salmon's resumé.</p> <p>9 (Whereupon, TUSD-Salmon-1,</p> <p>10 Sabrina M. Salmon, BSc., MA, PhD</p> <p>11 resume, was marked for</p> <p>12 identification.)</p> <p>13 BY MR. RICE:</p> <p>14 Q. Dr. Salmon, this is your</p> <p>15 resumé, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Everything in here is truthful?</p> <p>18 [Document review.]</p> <p>19 A. Yes.</p> <p>20 BY MR. RICE:</p> <p>21 Q. What is your current title at</p> <p>22 TUSD?</p> <p>23 A. Senior director of exceptional</p> <p>24 education.</p> <p>25 Q. And when did you start in that</p>	<p style="text-align: right;">Page 12</p> <p>1 responsibilities as director of exceptional</p> <p>2 education?</p> <p>3 A. I am responsible for the free</p> <p>4 and appropriate public education of students</p> <p>5 who have disabilities. I also support</p> <p>6 students who have 504 plans.</p> <p>7 I provide physical oversight of</p> <p>8 our federal grant as well as our maintenance</p> <p>9 and operation budget. I supervise a group of</p> <p>10 assistant directors as well as some section</p> <p>11 leads and other support services within the</p> <p>12 exceptional education department. I serve to</p> <p>13 make sure that we have adequate staffing for</p> <p>14 our students. I also provide support to</p> <p>15 regional superintendents as well as other</p> <p>16 directors and principals in the Tucson</p> <p>17 Unified School District.</p> <p>18 Q. In your role as senior director</p> <p>19 of exceptional education, do you meet with</p> <p>20 students?</p> <p>21 A. Not usually.</p> <p>22 Q. When would you meet with</p> <p>23 students?</p> <p>24 A. I would meet with students if</p> <p>25 we were doing, like, a focus group and we</p>
<p style="text-align: right;">Page 11</p> <p>1 role?</p> <p>2 A. In that role, I started in July</p> <p>3 of 2020.</p> <p>4 Q. And there was a period of time</p> <p>5 when you were interim director and then you</p> <p>6 became senior director, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And who did you report to in</p> <p>9 those roles?</p> <p>10 A. I reported to Dr. Flori Huitt,</p> <p>11 assistant superintendent of curriculum</p> <p>12 instruction.</p> <p>13 Q. And that was for the whole time</p> <p>14 period of both the interim and senior</p> <p>15 director?</p> <p>16 A. Correct.</p> <p>17 Q. Did your responsibilities</p> <p>18 differ between the time you were interim</p> <p>19 director and senior director?</p> <p>20 A. There were some slight changes,</p> <p>21 mostly the same. I entered the role as</p> <p>22 interim director. And so during that year it</p> <p>23 was certainly learning the new role. The</p> <p>24 responsibilities stayed fairly consistent.</p> <p>25 Q. What are your current</p>	<p style="text-align: right;">Page 13</p> <p>1 wanted to get some information. I do make</p> <p>2 classroom visits, so sometimes I check in and</p> <p>3 say hello to students.</p> <p>4 In a previous role as an</p> <p>5 assistant director, I met with students, and</p> <p>6 so I still have connections to them. Like</p> <p>7 last week I went to a celebration for a</p> <p>8 senior who was graduating, and so I did meet</p> <p>9 with the students at that time.</p> <p>10 Q. And in the sort of average day,</p> <p>11 week, month, you don't regularly meet with</p> <p>12 students?</p> <p>13 A. No.</p> <p>14 Q. Do you have any role with</p> <p>15 respect to student discipline?</p> <p>16 A. I do, if it's a student who has</p> <p>17 an IEP. And if that student is coming up for</p> <p>18 a manifestation determination, meaning the</p> <p>19 student has been suspended for a total of ten</p> <p>20 days or a current suspension would be a full</p> <p>21 ten days or more, sometimes I am involved in</p> <p>22 that process and making sure that students</p> <p>23 maintain their procedural safeguards and</p> <p>24 rights per IDEA regulations.</p> <p>25 Sometimes we have situations</p>

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<p style="text-align: right;">Page 14</p> <p>1 where it's an unusual disciplinary action and  2 we're trying to figure out the best next  3 steps or the best consequence, or we may need  4 to reconvene a team and see if this is the  5 best placement or if we need to have an IEP  6 meeting and change any services or placement  7 for a student.  8 Q. Do you have any role with  9 respect to discipline for students who are  10 not receiving special education services?  11 A. No.  12 Q. Do you have any role with  13 respect to TUSD's budgets?  14 A. Yes.  15 Q. What role is that?  16 A. I supervise the IDEA budget and  17 the M&amp;O budgets for exceptional education.  18 Q. Other than the budgets for the  19 IDA budget and the M&amp;O budgets, do you have  20 any other budgets that you have  21 responsibilities for?  22 A. No.  23 Q. Do you have any role with  24 respect to school safety in the district?  25 A. I meet with school safety</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Correct.  2 Q. Could you describe further what  3 you mean by nonviolent crisis intervention?  4 A. Nonviolent crisis intervention  5 is a training. It's a two-day training. So  6 the first day is all proactive strategies.  7 And so that's a lot of classroom management.  8 It's noticing the signs if a student is maybe  9 annoyed or if a student is starting to  10 exhibit frustration.  11 And so it talks a lot about  12 talking down or maybe knowing when to be  13 quiet or maybe offering a walk or water or  14 some just self-calming strategies to teach  15 the students and to cue them.  16 And then the second day is if a  17 student is escalated and there's danger to  18 self or others, there are some strategies  19 that are approved by Crisis Prevention  20 Institute to involve some physical  21 restrictions of the student.  22 Q. And you said the second day, so  23 you're referring to the second day of the  24 training you provide?  25 A. The second day of the training,</p>
<p style="text-align: right;">Page 15</p> <p>1 officers. We provide training on how to  2 respond to a student who may be escalated.  3 We provide training and support on students  4 who have disabilities and how that disability  5 may manifest in an incident.  6 We provide, like, nonviolent  7 crisis intervention training from the Crisis  8 Prevention Institute for School Safety.  9 Sometimes if it isn't an exceptional  10 education student who is identified in a  11 crisis or a school safety incident, I might  12 collaborate with the school safety director.  13 Q. What does it mean for a student  14 to be escalated?  15 A. Escalated means that there's  16 something that's happening and the student is  17 not able to have self regulation. And so the  18 escalation sometimes could be just internal  19 where, like, there's rapid heart rate or  20 there's pacing. Sometimes it could be  21 outward aggression. Sometimes it's verbal  22 aggression. Sometimes it's just completely  23 shutting down.  24 Q. And these are students who have  25 disabilities?</p>	<p style="text-align: right;">Page 17</p> <p>1 yes. It's a two-day training.  2 Q. And is this a training you  3 regularly provide?  4 A. Yes, it's a regular training.  5 All of our exceptional education  6 paraprofessionals have to have this training  7 annually. Some of our teachers who work with  8 students who have emotional needs and  9 self-regulation difficulties participate in  10 the training. We also have, like, bus  11 drivers, bus monitors, school safety officers  12 who participate in the training.  13 Q. Do you have a role with respect  14 to the TUSD governing board?  15 A. I do. I report to the  16 governing board on exceptional education  17 matters. I give updates on any changes. If  18 there's anything that we need governing board  19 approval for, I present that information and  20 either provide a presentation or be available  21 to answer questions regarding that item.  22 Q. Do you regularly attend board  23 meetings?  24 A. I do.  25 Q. Do you attend meetings even</p>

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<p style="text-align: right;">Page 18</p> <p>1 when you're not presenting?</p> <p>2 A. Yes.</p> <p>3 Q. Do you interact with students</p> <p>4 who are not receiving special education</p> <p>5 services?</p> <p>6 A. I do. Like if I'm going to a</p> <p>7 recognition event or just a school visit,</p> <p>8 assemblies. Sometimes I interact with</p> <p>9 parents and their child with a disability,</p> <p>10 and they may have a child without a</p> <p>11 disability. Sometimes we interact with</p> <p>12 students who are suspected of having a</p> <p>13 disability, and that's the pre-referral</p> <p>14 referral process.</p> <p>15 Q. Could you describe what you</p> <p>16 mean by pre-referral referral process?</p> <p>17 A. Yes. So if a student is</p> <p>18 suspected of having a disability, there is a</p> <p>19 referral that could happen from either the</p> <p>20 school, oftentimes the student might be in</p> <p>21 our MTSS, our multi-tiered system of support</p> <p>22 process and there could be interventions for</p> <p>23 academics. Sometimes a student might have a</p> <p>24 plan for attendance or behavioral support.</p> <p>25 During that time, some of our</p>	<p style="text-align: right;">Page 20</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. So what are your</p> <p>4 responsibilities in that role?</p> <p>5 A. I teach a marriage and family</p> <p>6 class there, sometimes for adults who are in</p> <p>7 a program to get their license as a counselor</p> <p>8 or a marriage and family therapist.</p> <p>9 Q. In that role, you only teach</p> <p>10 adults, correct?</p> <p>11 A. Only adults, yes.</p> <p>12 Q. And then before becoming</p> <p>13 interim director of exceptional education,</p> <p>14 you were a principal in TUSD from 2019 to</p> <p>15 2020?</p> <p>16 A. Correct.</p> <p>17 Q. And you were the principal at</p> <p>18 Mary Meredith school?</p> <p>19 A. Yes.</p> <p>20 Q. What type of school is Mary</p> <p>21 Meredith?</p> <p>22 A. Mary Meredith is a school for</p> <p>23 students who have disabilities. All of them</p> <p>24 have to have a primary eligibility of</p> <p>25 emotional disability in order to go to that</p>
<p style="text-align: right;">Page 19</p> <p>1 team members provide consultation. Once a</p> <p>2 student gets to tier three, then there is a</p> <p>3 team determination on if the student should</p> <p>4 be referred for an evaluation for exceptional</p> <p>5 education services.</p> <p>6 Q. What percentage of your</p> <p>7 interactions with students are with students</p> <p>8 who have disabilities or are suspected of</p> <p>9 having disabilities versus those who do not?</p> <p>10 MR. CUTLER: Object to form.</p> <p>11 Go ahead.</p> <p>12 A. Yeah, the percentage, that</p> <p>13 would be a little bit difficult to give an</p> <p>14 exact percentage. I would -- I know for sure</p> <p>15 the majority of the students I interact with</p> <p>16 have a disability or a suspected disability.</p> <p>17 BY MR. RICE:</p> <p>18 Q. Would you say the overwhelming</p> <p>19 majority?</p> <p>20 MR. CUTLER: Object to form.</p> <p>21 A. I would say more than 50%, yes.</p> <p>22 BY MR. RICE:</p> <p>23 Q. According to your resumé,</p> <p>24 you're also currently an adjunct instructor</p> <p>25 at Mid-American Christian University,</p>	<p style="text-align: right;">Page 21</p> <p>1 school.</p> <p>2 Q. Other than Mary Meredith, does</p> <p>3 TUSD have any other schools in the district</p> <p>4 that are designed solely for students who</p> <p>5 have disabilities?</p> <p>6 A. No. Mary Meredith is the only</p> <p>7 one.</p> <p>8 Q. When you were principal at Mary</p> <p>9 Meredith, what were your responsibilities?</p> <p>10 A. I was responsible for</p> <p>11 supporting the curriculum and instruction,</p> <p>12 for supervising teachers and</p> <p>13 paraprofessionals, as well as other related</p> <p>14 service providers. Responsible for making</p> <p>15 sure that we follow, like, all the district</p> <p>16 initiatives and procedures when it comes to</p> <p>17 professional development or physical</p> <p>18 oversight of any grants or funding that's</p> <p>19 allocated for the school.</p> <p>20 Q. When you say paraprofessionals,</p> <p>21 who are you referring to there?</p> <p>22 A. Those are teaching assistants.</p> <p>23 Q. Anyone else in that category?</p> <p>24 A. Paraprofessionals are only</p> <p>25 teaching assistants.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. As principal, how did you 2 interact with the leadership of the 3 exceptional education department? 4 MR. CUTLER: Object to form. 5 A. As principal, usually my 6 day-to-day oversight was involved at the 7 school level. There was an assistant 8 director who was assigned to the school. 9 There was also a regional superintendent who 10 was my supervisor as principal. 11 So if there were any 12 exceptional education specific matters or 13 needs that required additional resource 14 allocation or any other reasons that maybe a 15 concern wasn't resolved at the school level, 16 then I would interact with leadership in 17 exceptional education. 18 I would report to my 19 supervisor, the regional superintendent, if I 20 had any questions or concerns or needed 21 support with day-to-day operations of the 22 school campus. 23 BY MR. RICE: 24 Q. When you were principal, did 25 you have any responsibilities that extended</p>	<p style="text-align: right;">Page 24</p> <p>1 Mary Meredith, though, correct? 2 A. Correct. Yes. 3 Q. As principal, how frequently 4 did you interact with students? 5 A. On a daily basis. I had a 6 schedule of going to visit each classroom. 7 Mary Meredith is a very small campus. At 8 that time it was about 50 students enrolled. 9 It's a K-12 school. We typically have 3rd 10 through 12th graders. 11 And so on a daily basis, I 12 would go into the classrooms. I would start 13 the day with greeting students when they 14 entered the campus and then go in to just 15 visit the classroom and see what was 16 happening. And then at dismissal, I would be 17 outside the facilitate at dismissals to the 18 buses or for parent pickup. 19 Q. Did you teach when you were at 20 Mary Meredith? 21 A. No, I did not teach. 22 Q. So before you became principal 23 at Mary Meredith, you were the assistant 24 director of exceptional education from 2016 25 to 2019, correct?</p>
<p style="text-align: right;">Page 23</p> <p>1 beyond Mary Meredith? 2 MR. CUTLER: Object to form. 3 A. I was mostly responsible for 4 Mary Meredith, responsibilities as the 5 principal. 6 BY MR. RICE: 7 Q. Did you have any 8 responsibilities that extended district wide? 9 A. Toward the end of my tenure as 10 the principal, the exceptional education 11 director resigned. And so for the last two, 12 two and a half months of principal, I did 13 support some central level exceptional 14 education procedures. 15 This was the time we were going 16 into COVID, so there were lots of questions 17 about what would learning look like for 18 students with exceptional ed needs. And so I 19 did consult with, like, Dr. Flori Huitt, 20 curriculum and instruction assistant 21 superintendent and some of the other 22 assistant directors in exceptional ed at that 23 time. 24 Q. Prior to that two and a half 25 months, your responsibilities were focused on</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Correct. 2 Q. And what were your 3 responsibilities as assistant director? 4 A. As assistant director, I was 5 responsible for a region of schools. A 6 region is roughly 17 schools. And so I was 7 the exceptional education contact, to be that 8 content area expert for administrators, 9 teachers, related service providers such as 10 speech and language pathologists, 11 occupational therapists, school 12 psychologists, educational interpreters, 13 social workers. So just supporting them with 14 any evaluation needs of students, any IEP 15 needs. 16 I also frequently served as a 17 district representative in IEP meetings. I 18 assisted teams if they were having any 19 student behavioral concerns with just 20 navigating resources within the district or 21 making recommendations for adjustments in the 22 services to support students. I was also 23 responsible for overseeing the Child Find 24 process in the preschool process for TUSD. 25 Q. Which region were you</p>

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<p style="text-align: right;">Page 26</p> <p>1 responsible for?</p> <p>2 A. Region 4, Arcadia.</p> <p>3 Q. And the regions for the</p> <p>4 assistant directors of exceptional education,</p> <p>5 are those the same regions as for the</p> <p>6 regional assistant superintendents?</p> <p>7 A. Correct.</p> <p>8 Q. And while you were assistant</p> <p>9 director, did the department have the same</p> <p>10 structure it does now?</p> <p>11 A. Yes. It was the same</p> <p>12 structure.</p> <p>13 Q. And as assistant director of</p> <p>14 exceptional education, how often did you</p> <p>15 interact with students?</p> <p>16 A. I interacted with students on a</p> <p>17 weekly basis as assistant director. I would</p> <p>18 often go in to observe a student, maybe if a</p> <p>19 staff member was asking for more curriculum</p> <p>20 support, if there were any behavior</p> <p>21 challenges. If there was a request to move a</p> <p>22 student to a different placement, I would go</p> <p>23 in to do an observation or to interact with</p> <p>24 the student.</p> <p>25 If there was a need for maybe a</p>	<p style="text-align: right;">Page 28</p> <p>1 information about services for students with</p> <p>2 disability. Also, ensuring that schools</p> <p>3 submitted documentation for state grants or</p> <p>4 state reporting purposes.</p> <p>5 Q. Was TUSD one of the districts</p> <p>6 you supported in that role?</p> <p>7 A. Yes.</p> <p>8 Q. In that time as -- at the</p> <p>9 Arizona Department of Education, what types</p> <p>10 of communications would you have with TUSD?</p> <p>11 MR. CUTLER: Object to form.</p> <p>12 A. During that time, I was the</p> <p>13 program specialist for TUSD, among other</p> <p>14 schools.</p> <p>15 And so the types of</p> <p>16 communication had to do with the compliance</p> <p>17 process. There was an annual basis of</p> <p>18 reviewing timelines for initial evaluations</p> <p>19 and secondary transition components of IEPs.</p> <p>20 And so it would be</p> <p>21 communicating that information. It would be</p> <p>22 receiving the files for students who met that</p> <p>23 criteria, reviewing them with the Department</p> <p>24 of Education's guidelines for compliance,</p> <p>25 providing technical assistance for feedback</p>
<p style="text-align: right;">Page 27</p> <p>1 teacher to go to a meeting, I sometimes would</p> <p>2 cover the classroom for the teacher to go do</p> <p>3 that.</p> <p>4 Q. Was assistant director of</p> <p>5 exceptional education your first position at</p> <p>6 TUSD?</p> <p>7 A. Yes, it was.</p> <p>8 Q. And so you've never taught at</p> <p>9 TUSD, correct?</p> <p>10 A. No, I have not.</p> <p>11 Q. Before joining TUSD, you were a</p> <p>12 program specialist at the Arizona Department</p> <p>13 of Education from January 2014 to June 2016,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. What were your responsibilities</p> <p>17 in that role?</p> <p>18 A. My role included supporting a</p> <p>19 portfolio of districts throughout the state</p> <p>20 of Arizona. And so it was being the</p> <p>21 exceptional student service point of contact</p> <p>22 to assist schools with compliance matters, to</p> <p>23 make sure that schools were completing</p> <p>24 documents in a timely manner, to provide</p> <p>25 technical assistance if schools needed</p>	<p style="text-align: right;">Page 29</p> <p>1 to members in the Tucson Unified School</p> <p>2 District.</p> <p>3 BY MR. RICE:</p> <p>4 Q. How many districts did you</p> <p>5 supervise overall in that role?</p> <p>6 A. Let's see. I would have to go</p> <p>7 back to know an exact number, but it would</p> <p>8 roughly be about 20 districts total.</p> <p>9 Q. So is it fair to say that you</p> <p>10 spent about 5% of your time on TUSD, then, if</p> <p>11 it was 1 of 20?</p> <p>12 A. Sure, that seems fair.</p> <p>13 Q. In that time as program</p> <p>14 specialist, did you ever interact with TUSD</p> <p>15 students?</p> <p>16 A. No, I did not interact with</p> <p>17 TUSD students in that role. I interact with</p> <p>18 central level leadership at the district</p> <p>19 office.</p> <p>20 Q. And then from around</p> <p>21 February 2013 to November 2013, you were a</p> <p>22 special education professional development</p> <p>23 coordinator at the Oklahoma State Department</p> <p>24 of Education, correct?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. And what were your 2 responsibilities in that role? 3 A. I had a similar role as to the 4 one in the Arizona State Department of 5 Education, although in Oklahoma, there is 6 more standardization in, like, the software 7 or the process for compliance. And so there 8 was less travel to school districts. 9 I did a lot of, like, desk 10 audits of their files and provided technical 11 assistance. I provided professional 12 development. I taught a course for aspiring 13 educators who wanted to become special 14 educators. And so just help the projects, 15 help with updating curriculum, reviewing 16 materials for students with special needs. 17 Q. And then before that, from 18 March 2011 to February 2013, you were a 19 clinical director at SoonerCare Contractor in 20 Oklahoma, correct? 21 A. Correct. 22 Q. What is SoonerCare? 23 A. SoonerCare is the Medicaid 24 program through the State of Oklahoma. So 25 it's for individuals who qualify for Medicaid</p>	<p style="text-align: right;">Page 32</p> <p>1 And so it would be asking a lot 2 of questions about what's going on and coming 3 up with the DSM diagnosis and a treatment 4 plan, and then handing that individual off to 5 a therapist who would go back and provide the 6 therapy. 7 Q. And you were an independent 8 contractor in that role, correct? 9 A. Correct. 10 Q. So what types of entities did 11 you work with at that time? 12 A. I worked with adults and 13 children at that time. 14 Q. For the children, did you work 15 with schools? 16 A. I did not work with schools. I 17 worked with children who were maybe in some 18 type of an academic setting such as like a 19 before or after-school program, not at a 20 school setting. And I also worked with them, 21 like, at home after school or during school 22 breaks. 23 Q. And then from 2011 to 2012, you 24 were a clinical administrator at Integrative 25 Focus, correct?</p>
<p style="text-align: right;">Page 31</p> <p>1 to submit for any kind of medical claims or 2 processes. 3 Q. And what were your 4 responsibilities at SoonerCare? 5 A. So my responsibility was acting 6 as a therapist, a clinician. So I did intake 7 evaluations for students and adults and 8 families. I also provided billing to 9 SoonerCare, which is the Medicaid program. 10 I assisted with some oversight 11 of other clinicians and case managers in the 12 organization. I provided counseling, some 13 individual, with both adults and children, as 14 well as some group counseling sessions in 15 education. 16 Q. Prior to that, from 2011 to 17 2013, you were an independent intake 18 therapist and clinical director, correct? 19 A. Correct. 20 Q. And could you explain what that 21 role entailed? 22 A. And so that role entailed just 23 doing intakes only. So it would be an 24 individual who presented with some type of a 25 mental health or a behavior health concern.</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Correct. 2 Q. What is Integrative Focus? 3 A. Is it was a start-up behavioral 4 health organization that provided services to 5 adults and children. It was clinical 6 services, such as therapy. It was also case 7 management, such as accessing resources in 8 the community. 9 Q. What were your responsibilities 10 there? 11 A. So my responsibility was to 12 help the company with all the start-up 13 processes that needed to be reported to the 14 state for licensure and for the chartering of 15 the company. I also provided some therapy 16 work to some adults, as well as some 17 children. I supervised some case managers 18 who were directly supporting children. 19 Q. And then from 2008 to 2010, you 20 were a special education teacher in Oklahoma. 21 Correct? 22 A. Correct. 23 Q. And what grade levels did you 24 teach? 25 A. It was high school, so 9th</p>

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<p style="text-align: right;">Page 34</p> <p>1 through 12th grade.</p> <p>2 Q. And did you teach particular</p> <p>3 subjects?</p> <p>4 A. I did not necessarily teach</p> <p>5 particular subjects. I was considered to be,</p> <p>6 like, an indirect service provider or</p> <p>7 resource teacher. And so I supported high</p> <p>8 school students based on their IEP goals in</p> <p>9 whatever subject areas that they needed</p> <p>10 direct report.</p> <p>11 I did sometimes co-teach in</p> <p>12 English language arts, as being a certified</p> <p>13 teacher in English language arts at the</p> <p>14 secondary level.</p> <p>15 Q. And was 2010 the last time you</p> <p>16 taught secondary school students?</p> <p>17 A. Yes, secondary high school</p> <p>18 outside of university level students.</p> <p>19 Q. And then from 2007 to 2008, you</p> <p>20 were an academic tutor in Spain?</p> <p>21 A. Correct.</p> <p>22 Q. And what age of students did</p> <p>23 you work with in that role?</p> <p>24 A. I worked with school-aged</p> <p>25 students ages, like, 5 to 12.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I taught kindergarten, so age 5</p> <p>2 up to age 12.</p> <p>3 Q. And then from 2004 to 2005, you</p> <p>4 were a special education coordinator at</p> <p>5 National Heritage Academies in Dayton, Ohio,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And what were your</p> <p>9 responsibilities in that role?</p> <p>10 A. I was considered a resource</p> <p>11 teacher, so I supported students from</p> <p>12 preschool through 7th grade. And so, again,</p> <p>13 that was working on the IEP goals per their</p> <p>14 IEPs. And I supervised some</p> <p>15 paraprofessionals, so teaching assistants. I</p> <p>16 provided some follow-up instruction based on</p> <p>17 these IEP goals.</p> <p>18 There were two of us, so I was</p> <p>19 the lead teacher of two, so if there were any</p> <p>20 special education specific questions or job</p> <p>21 roles. I also served on the leadership team</p> <p>22 of that school.</p> <p>23 Q. Other than the roles we've</p> <p>24 discussed, and they're listed on your resumé,</p> <p>25 have you held any other roles in education?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. And was that role focused on</p> <p>2 special education students or on general</p> <p>3 education students?</p> <p>4 A. That role was focused on</p> <p>5 general education students.</p> <p>6 Q. And the primary subject matter</p> <p>7 was learning the English language and</p> <p>8 computer skills?</p> <p>9 A. Yes. English language,</p> <p>10 reading, and computer skills.</p> <p>11 Q. And then before that, from 2006</p> <p>12 to 2007, you taught at a Department of</p> <p>13 Defense school in Spain?</p> <p>14 A. Correct.</p> <p>15 Q. And what ages did you teach</p> <p>16 there?</p> <p>17 A. It was a 2nd and 3rd grade</p> <p>18 combination classroom, and so teaching all</p> <p>19 subject areas for 2nd and 3rd graders.</p> <p>20 Q. And before that, from 2005 to</p> <p>21 2006, you were an English teacher in Korea,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. And what ages did you teach</p> <p>25 there?</p>	<p style="text-align: right;">Page 37</p> <p>1 A. No other formal roles in</p> <p>2 education.</p> <p>3 Q. What informal roles have you</p> <p>4 held in education?</p> <p>5 A. I've been, like, an intern,</p> <p>6 like, a student teacher. So I've done that</p> <p>7 for two different locations in Rock Hill,</p> <p>8 South Carolina.</p> <p>9 Q. And then have you ever been a</p> <p>10 school administrator for a general education</p> <p>11 school?</p> <p>12 A. No, I have not.</p> <p>13 Q. And then, Dr. Salmon, you're</p> <p>14 not a medical doctor, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And you're not a certified</p> <p>17 psychologist, correct?</p> <p>18 A. Correct.</p> <p>19 Q. You're not a specialist in</p> <p>20 addiction, correct?</p> <p>21 A. Correct.</p> <p>22 Q. You're not a specialist in</p> <p>23 mental health, correct?</p> <p>24 A. Incorrect.</p> <p>25 Q. Could you describe your</p>

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<p style="text-align: right;">Page 38</p> <p>1 training in mental health?</p> <p>2 A. I'm a licensed marriage and</p> <p>3 family therapist, and so that includes, like,</p> <p>4 diagnosis, treatment plans, providing</p> <p>5 counseling and services for individuals with</p> <p>6 a variety of needs, supporting and providing</p> <p>7 those services for children and adults, as</p> <p>8 well as families.</p> <p>9 Q. Did your training in marriage</p> <p>10 and family therapy include -- let me rephrase</p> <p>11 that.</p> <p>12 What training in diagnosis did</p> <p>13 you receive in your masters in marriage and</p> <p>14 family therapy?</p> <p>15 A. I received training on how to</p> <p>16 use the DSM to look at presenting symptoms</p> <p>17 and to rule out other symptoms to determine a</p> <p>18 diagnosis based on that information.</p> <p>19 Q. And what training did you</p> <p>20 receive in providing treatment plans?</p> <p>21 A. There was also a course in the</p> <p>22 supervision in the development of treatment</p> <p>23 plans for individuals who did meet criteria</p> <p>24 for a DSM diagnosis.</p> <p>25 Q. Did your training in marriage</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No, I have not.</p> <p>2 Q. What did you do to prepare for</p> <p>3 this deposition today?</p> <p>4 A. I worked with legal counsel.</p> <p>5 Q. Did you meet with anyone other</p> <p>6 than counsel?</p> <p>7 A. No, I did not.</p> <p>8 Q. Did you review any documents?</p> <p>9 A. I reviewed my deposition and my</p> <p>10 resumé.</p> <p>11 Q. When you refer to your</p> <p>12 deposition, are you referring to the Notice</p> <p>13 of Deposition in this case?</p> <p>14 A. The Notice of Deposition, yes.</p> <p>15 Q. Did you take any notes during</p> <p>16 preparation?</p> <p>17 A. No, I did not.</p> <p>18 Q. Have you brought any notes or</p> <p>19 documents with you today?</p> <p>20 A. No, I have not.</p> <p>21 Q. Dr. Salmon, do you ever use</p> <p>22 text messaging for work communication?</p> <p>23 A. Yes, I do.</p> <p>24 Q. And who do you communicate via</p> <p>25 text messaging at work?</p>
<p style="text-align: right;">Page 39</p> <p>1 and family therapy include anything related</p> <p>2 to social media?</p> <p>3 A. No, it did not.</p> <p>4 Q. You're not a statistician,</p> <p>5 correct, Dr. Salmon?</p> <p>6 A. Correct.</p> <p>7 Q. And you're not a specialist in</p> <p>8 data analytics, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Have you ever been previously</p> <p>11 deposed?</p> <p>12 A. For special education matters,</p> <p>13 yes.</p> <p>14 Q. How many times?</p> <p>15 A. I would say roughly three to</p> <p>16 four times.</p> <p>17 Q. And could you just generally</p> <p>18 describe the types of matters you've been</p> <p>19 deposed in?</p> <p>20 A. Yes. They've been matters</p> <p>21 about the provision of free appropriate</p> <p>22 public education or services for students</p> <p>23 with disabilities.</p> <p>24 Q. Have you ever testified in</p> <p>25 court?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Other assistant directors,</p> <p>2 section leads such as our lead speech and</p> <p>3 language pathologist or our lead school</p> <p>4 psychologist, other directors, my supervisor.</p> <p>5 Q. And your supervisor is Dr.</p> <p>6 Huitt, the superintendent for core</p> <p>7 curriculum?</p> <p>8 A. Correct.</p> <p>9 Q. Did anyone ever instruct you to</p> <p>10 preserve text messages for this litigation?</p> <p>11 A. No, they didn't.</p> <p>12 Q. Have you ever used your</p> <p>13 personal e-mail address for work</p> <p>14 communication?</p> <p>15 A. No, I do not.</p> <p>16 Q. Do you keep any notes?</p> <p>17 MR. CUTLER: Object to form.</p> <p>18 A. Sometimes if I'm in a meeting</p> <p>19 or on a call I may jot down notes in a</p> <p>20 notebook or maybe in a Word document.</p> <p>21 BY MR. RICE:</p> <p>22 Q. Do you have a notebook you</p> <p>23 regularly keep notes in?</p> <p>24 A. I have a variety of notebooks</p> <p>25 that I keep notes in for work.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. And for the notes you keep in a 2 Word document, you're referring to a 3 Microsoft Word document? 4 A. Yes, Microsoft Word. 5 Q. Where is that saved? 6 A. That's saved on my OneDrive. 7 Q. Did anyone ever instruct you to 8 preserve your notes for this litigation? 9 A. No, they did not. 10 Q. Do you use Microsoft Teams for 11 work? 12 A. Yes, I do. 13 Q. Do you use the Microsoft Teams 14 chat function? 15 A. Not frequently. I've used it 16 before. It's not a common occurrence. 17 Q. I'm going to switch gears and 18 discuss the exceptional education department 19 generally and learn a little more about the 20 department? 21 A. Okay. 22 Q. What is the exceptional 23 education department at TUSD? 24 A. So the exceptional education is 25 for students who qualify for special</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. When you say preventive 2 strategies, what are you referring to there? 3 A. I'm referring to like if a 4 student is experiencing maybe signs of a 5 learning loss, if they're not meeting the 6 markers when it comes to the progression of 7 the curriculum or standards. 8 So in our multi-tiered system 9 of support, we have, like, tier 1, 2, and 3. 10 So once we get to tier 3, if a student is 11 still struggling academically or 12 behaviorally, sometimes our exceptional 13 education staff members serve as consultants 14 to the gen ed setting for those students. 15 Q. What are the three tiers? 16 A. So tier 1, that's kind of the 17 whole instruction for everybody. That's the 18 baseline that all students get. 19 Tier 2 is when the students are 20 not making progress or they're missing some 21 learning skills, and so they do get limited 22 intervention and support. 23 Tier 3 comes after tier 2, if 24 students have still not demonstrated success, 25 so then they get additional interventions and</p>
<p style="text-align: right;">Page 43</p> <p>1 education. So they qualify under 1 of the 13 2 disability categories, which means if they 3 have a disability, they require specially 4 designed instruction to have access to the 5 general education setting. 6 It entails about 6300 students 7 within the TUSD district. It's about another 8 2,000 students in the community who qualify 9 for an educational disability. 10 And so it just involves making 11 sure that there are accommodations or 12 modifications to the curriculum, they're 13 related services that give them access to the 14 curriculum. 15 Q. Does the exceptional education 16 department serve general education students? 17 A. Not usually. There sometimes 18 is some preventive strategies. Maybe there 19 could be some whole group instruction going 20 on in a classroom that's based on, like, 21 reading ability or math ability, and so the 22 exceptional education teacher may provide 23 some instruction that way. That specialized 24 instruction is provided only to exceptional 25 education students.</p>	<p style="text-align: right;">Page 45</p> <p>1 services and support. 2 Q. And those tiers apply to all 3 students in the district, not just special 4 education students? 5 A. Correct, all students. 6 Q. And so if a student has a 7 qualifying disability and receives special 8 education services, do they still fall within 9 these three tiers? 10 A. They could, because their 11 special education services could be, maybe 12 it's for a health concern, maybe an emotional 13 concern. Maybe it's in math, and so then if 14 they exhibit, like, a need in language arts 15 or there's something else that's not 16 currently identified, could be an attendance 17 concern or maybe a behavior concern that's 18 not already addressed in their IEP, then they 19 could fall in the tiers for that level of 20 support. 21 Q. And how do the three tiers 22 relate to the multi-tiered system of support 23 in the district? 24 A. So the multi-tiered system of 25 support is the big umbrella, and then the</p>

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<p style="text-align: right;">Page 46</p> <p>1 three tiers are how it's dissected or 2 divided, based on student need. 3 Q. And who is responsible for 4 administering the multi-tier system of 5 support system? 6 A. We have MTSS facilitators at 7 all of our campuses, and so those are the 8 individuals who kind of monitor what's 9 happening. The actual intervention is done 10 by, like, we have math interventionists, we 11 have reading interventionists. Sometimes we 12 have teachers who are providing that support 13 or paraprofessionals could provide some of 14 that support. 15 Q. And who do the MTSS 16 facilitators report to? 17 A. They report to the senior 18 director of curriculum and instruction. And 19 we also have a lead MTSS program manager who 20 supports them as well. 21 On a daily basis, they're 22 housed at the school site, so the principals 23 are their direct evaluators. 24 Q. And who is the current senior 25 director of curriculum and instruction?</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. So what is the IDEA? 2 A. So the IDEA is the regulation 3 that was enacted in 1974 that provided free 4 and appropriate public education for students 5 with disabilities, the regulation and the 6 oversight to make sure that we have 7 exceptional education service programs in 8 cam -- on all public schools, and provide 9 that support in that access to the general 10 education setting. 11 Q. What does the IDEA require of 12 schools? 13 A. It requires that schools 14 identify students who have a disability and 15 then provide services based on those areas of 16 need. 17 Q. And is complying with the IDEA 18 one of the responsibilities of the 19 exceptional education department? 20 A. Yes, it is. 21 Q. Does the exceptional education 22 department also need to comply with other 23 laws? 24 MR. CUTLER: Object to form. 25 A. Well, of course, the IDEA is</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Heidi Aranda. 2 Q. How do the MTSS facilitators 3 monitor students on campus? 4 MR. CUTLER: Object to form. 5 A. I don't work directly with the 6 MTSS facilitators. I collaborate with them 7 sometimes. My understanding is, like, all of 8 our students have MTSS plans, and so the MTSS 9 facilitators are responsible for the 10 oversight of the plans and monitoring the 11 progress of the students and coming up with 12 new interventions if students need additional 13 support. Sometimes we get referrals for 14 special education evaluation from our MTSS 15 facilitators. 16 BY MR. RICE: 17 Q. Early in your testimony you 18 mentioned the IDA, correct? 19 A. IDEA. 20 Q. IDEA. Sorry. 21 A. Yes. 22 Q. And that stands for Individuals 23 with Disabilities and Education Improvement 24 Act? 25 A. Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 the primary exceptional education law. 2 Certainly, we apply with general education 3 laws as well. 4 BY MR. RICE: 5 Q. Are there other laws dealing 6 with special education in particular that the 7 department needs to comply with? 8 MR. CUTLER: Object to form. 9 A. I'm wondering, are you meaning, 10 like, 504? 11 BY MR. RICE: 12 Q. Yes. 13 A. So we also, in TUSD, provide 14 supervision and oversight of 504 plans. 15 Q. And by 504, you're referring to 16 Section 504 of the Rehabilitation Act, 17 correct? 18 A. Correct. 19 Q. And what does Section 504 20 require of TUSD? 21 A. Section 504 also requires that 22 we provide accommodations for students who 23 have a disability that substantially limits 24 areas of function. And so academic 25 functioning is one of those areas. Certainly</p>

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<p style="text-align: right;">Page 50</p> <p>1 health and well-being is one of those areas.  2 So in TUSD, we have 504 plans  3 for students, and then we provide those  4 accommodations for them to have that access  5 to the general curriculum.  6 Q. Does the exceptional education  7 department serve students of all ages?  8 A. Yes, we serve students from age  9 3 to 21.  10 Q. And what counts as a qualifying  11 disability for the department?  12 A. And so they're stated  13 identified disability categories for  14 students. And so we have assessments that  15 look at cognitive ability. We look at  16 achievement or academic ability. We look at  17 getting medical or health needs. We look at,  18 like, any visual or hearing needs of  19 students. We look at any speech and language  20 or communication needs. We look at sensory,  21 emotional, and behavior needs as well.  22 Q. I want to make sure I  23 understand the department functions. Earlier  24 you mentioned one of the ways students are  25 referred to the department is via MTSS,</p>	<p style="text-align: right;">Page 52</p> <p>1 ultimately result in an evaluation that  2 concludes the student has a qualifying  3 disability?  4 A. Yes. We track that and note it  5 has do not qualify. So our abbreviation is  6 DNQ.  7 Q. And what type of information on  8 referrals is stored in Synergy?  9 MR. CUTLER: Object to form.  10 A. So in our Synergy database, we  11 have information on the presenting concerns.  12 We have information on the areas of the  13 suspected disability. We have information on  14 any assessments that were given.  15 Once there is an evaluation, we  16 have that data. We have the areas of  17 disability that were suspected and ruled out.  18 And then we have the areas of disability that  19 were confirmed if a student does qualify.  20 BY MR. RICE:  21 Q. Is the information on referrals  22 categorized in any type of aggregate manner?  23 MR. CUTLER: Object to form.  24 A. The information just goes into  25 the database by whoever is entering, whether</p>
<p style="text-align: right;">Page 51</p> <p>1 correct?  2 A. Correct.  3 Q. What are the other ways  4 students might be referred to the exceptional  5 education department?  6 A. Sure. So referrals can come  7 from parents. Referrals can come from  8 physicians. Could come from medical doctor.  9 Could come from another therapist such as a  10 speech clinician. Maybe a physical  11 therapist, an occupational therapist, a  12 mental health therapist, a psychiatrist. A  13 community member. Also, a teacher.  14 Like, pretty much anyone who  15 has knowledge of a student or a student's  16 needs or limitations could make a referral.  17 Q. Does the department track the  18 referrals it receives?  19 A. Yes.  20 Q. Where is that tracked  21 information stored?  22 A. That information is tracked in  23 our Synergy database.  24 Q. And does the department track  25 referrals even if that referral does not</p>	<p style="text-align: right;">Page 53</p> <p>1 it's the school psychologist or, like, a  2 teacher or speech and language pathologist.  3 I do know Synergy has the  4 ability to run queries or reports based on  5 different data points.  6 BY MR. RICE:  7 Q. If you wanted to search in  8 Synergy for the reasons students had been  9 referred to the district, could you do that?  10 A. I could search for the area of  11 suspected disability, yes, and get a report  12 from that.  13 Q. And the area of suspected  14 disability, that corresponds to the qualified  15 disabilities list we talked about earlier,  16 correct?  17 A. Correct.  18 Q. You mentioned presenting  19 concerns information is stored in Synergy,  20 correct?  21 A. Correct.  22 Q. Is that information categorized  23 in any type of way?  24 MR. CUTLER: Object to form.  25 A. Typically there's a narrative</p>

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<p style="text-align: right;">Page 54</p> <p>1 form, so the reason for the referral. So the 2 reason for the referral could be maybe 3 there's some data points to share, like, 4 students are in the 2nd grade and then this 5 student, for example, maybe is at the 6 pre-emergent area for reading or is having 7 trouble with number concepts. 8 Or if we're looking at speech 9 and language, we would look at the different 10 sounds and the sentence patterns that a 11 student should be exhibiting, and if we're 12 seeing that the student is falling below 13 anticipated mile markers, so then there would 14 be some information in that respect. 15 BY MR. RICE: 16 Q. And at the aggregate level, 17 would something like pre-emergent area for 18 reading be a category or is that information 19 only contained in the narrative information 20 in Synergy? 21 MR. CUTLER: Object to form. 22 A. So if we're looking for, like, 23 reading levels, that's something that would 24 be in a narrative about kind of where the 25 student is functioning.</p>	<p style="text-align: right;">Page 56</p> <p>1 information in Synergy? 2 MR. CUTLER: Object to form. 3 A. That would be in the narrative 4 information if that were there, yes. 5 BY MR. RICE: 6 Q. There's no way you could run a 7 report of referrals that involved social 8 media without going through and reviewing 9 individual files? 10 A. Correct. There's not, like, a 11 field populated for social media. 12 Q. Have you ever conducted any 13 analysis of how many referrals to TUSD 14 mentioned social media? 15 A. No, I have not. 16 Q. And do you know anyone who has? 17 A. No, I do not. 18 Q. Does the department also try to 19 proactively identify students who may have a 20 qualifying disability? 21 A. Absolutely. We have regular 22 meetings with the MTSS team. We send 23 information out to all of our elementary 24 schools. We do a training annually of our 25 administrators and our office staff, just</p>
<p style="text-align: right;">Page 55</p> <p>1 If we're looking at reading in 2 particular, we would be maybe suspecting a 3 learning disability, and then we could 4 categorize a learning disability in reading, 5 writing, or math. 6 There is the opportunity to 7 explore a student's cognitive ability to 8 determine kind of what we would expect them 9 to be able to do when it comes to reading. 10 BY MR. RICE: 11 Q. If the referral of a student to 12 the department mentioned social media in any 13 way, where would that information be stored? 14 MR. CUTLER: Object to form. 15 A. If there was a concern about 16 social media, it could potentially be in, 17 like, a discipline record, if there was any 18 discipline-related concerns or actions. 19 With that, it could be in 20 information about social or emotional 21 well-being of the student. It could be 22 something that would be parent reported or 23 maybe administrator reported. 24 BY MR. RICE: 25 Q. And that's all in the narrative</p>	<p style="text-align: right;">Page 57</p> <p>1 reminding them of cues to look for. 2 We have information out in the 3 community that go out to local businesses, 4 especially medical facilities, as well as 5 areas parents might be visiting. 6 Q. Is there an attempt at 7 proactive identification required under the 8 IDEA? 9 A. Yes, there is. 10 Q. During your time at TUSD, has 11 TUSD improved its ability to identify 12 students who may have a qualifying 13 disability? 14 A. Yes. TUSD has -- there's been 15 a lot of collaboration with the MTSS team to 16 talk about, like, what kind of data needs to 17 be collected, to give them more training on 18 interventions that are research based to 19 address questions or concerns for students. 20 So that information is more readily 21 available. 22 There's more collaboration, so 23 that helps to identify students because by 24 the time they do get to that referral 25 process, the majority of students have had</p>

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<p style="text-align: right;">Page 58</p> <p>1 interventions. There's enough data to move 2 forward with suspecting the student would 3 have an educational disability. 4 And so that has led to being 5 able to identify more students in that 6 evaluation process as qualifying versus more 7 students not qualifying once we do get to 8 that process. 9 Q. Once a student is referred to 10 the department or identified by the 11 department, does the department then evaluate 12 the student? 13 A. Yes. Once the student is 14 referred, then there is a comprehensive 15 evaluation. Depending on the suspected 16 disabilities, we have individuals who 17 evaluate in those areas, and then make a 18 determination. 19 Q. And who in the department 20 conducts those evaluations? 21 A. The majority of them are done 22 by the school psychologist. We also have 23 speech and language pathologists who support 24 physical therapists, occupational therapists, 25 social workers, educational interpreters.</p>	<p style="text-align: right;">Page 60</p> <p>1 academic ability, behaviors, social-emotional 2 needs. They do some rating scales. They 3 look at areas of health. If anything for 4 vision or hearing is noted, there could be a 5 referral for an audiologist or an 6 ophthalmologist. 7 So once the school psychologist 8 does that review, then they reach out to any 9 other colleagues who need to be included. 10 Sometimes a student presents with speech-only 11 services, and so our speech and language 12 pathologists are primary evaluators. And so 13 if that's the only need or suspected area, 14 then the speech and language pathologists 15 would do the evaluation and the 16 recommendation. 17 BY MR. RICE: 18 Q. And when would social workers 19 conduct an evaluation? 20 A. Social workers conduct 21 evaluations if there is a social and 22 emotional or behavior component concern. 23 They're considered to be supplemental 24 services. They are not the primary 25 evaluators in TUSD.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Are there any other positions 2 that conduct evaluations? 3 MR. CUTLER: Object to form. 4 A. Those are the primary positions 5 in exceptional education that are staffed by 6 TUSD that conduct evaluations. 7 BY MR. RICE: 8 Q. For the positions you listed, 9 school psychologists, speech and language 10 pathologists, physical therapists, 11 occupational therapists, social workers, and 12 educational interpreters, what are the 13 different situations in which each of those 14 positions might conduct an evaluation of a 15 student? 16 MR. CUTLER: Object to form. 17 It's incredibly compound. 18 A. Well, if there's a referral for 19 an evaluation, typically, the primary person 20 to receive that referral is the school 21 psychologist. So the school psychologist has 22 the most comprehensive knowledge of areas of 23 suspected disability. 24 And school psychologists do 25 assessments in the area of cognition,</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Do the department's evaluations 2 attempt to identify the underlying cause of a 3 student's disability? 4 MR. CUTLER: Object to form. 5 A. That's a unique question. 6 Whenever there is, like, a cognitive 7 assessment done, for example, if a student 8 has a low IQ, so that would be the 9 speculation, that the low IQ was leading to 10 some of the difficulties in learning and 11 accessing the curriculum. 12 On the other hand, if a student 13 has a really high IQ, then the student could 14 potentially qualify as being a gifted 15 student. We've also noted sometimes that, 16 you know, a student may not be challenged to 17 their level of potential, and so we can 18 certainly see some needs in that area, too. 19 BY MR. RICE: 20 Q. Other than IQ evaluation, are 21 there any other ways the department's 22 evaluations might attempt to identify the 23 underlying cause of the student's disability? 24 MR. CUTLER: Object to form. 25 A. So in addition to cognitive, we</p>

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<p style="text-align: right;">Page 62</p> <p>1 look at academics. And so we look at any 2 areas or deficits that a student has in 3 reading, writing, and math. So that will 4 tell us if there is a disability in those 5 areas. 6 We also look at some social and 7 emotional needs. Our psychologists could 8 give information if a student might have ADHD 9 or maybe anxiety or maybe depression. 10 We also have clinical social 11 workers who can assess in areas of suspected 12 disability and emotional or other health 13 impairment, that might include ADHD, anxiety, 14 depression. 15 BY MR. RICE: 16 Q. For example, if a psychologist 17 determined that a student had anxiety, would 18 they attempt to identify the cause of the 19 student's anxiety? 20 A. They would take a look at how 21 the anxiety manifests, if it seems to be, 22 like, work avoidance. 23 And so, like, if there's an 24 academic task that's difficult or maybe 25 testing situations that would invoke the</p>	<p style="text-align: right;">Page 64</p> <p>1 impairment would be the recognized category. 2 Anxiety is a component. 3 Q. And then if you wanted to 4 understand, for instance, if the district had 5 evaluated the source of a student's anxiety, 6 you would have to look at the particular 7 narrative information associated with that 8 student? 9 A. Yes. We would look for the 10 narrative. We would look for, like, 11 protocols with behavior rating scales and 12 scores, that information. 13 Q. And is there any category more 14 specific than the type of qualifying 15 disability that the department tracks? 16 MR. CUTLER: Object to form. 17 A. I'm not sure I understand that 18 question. 19 BY MR. RICE: 20 Q. For instance, if a student -- 21 for instance, the department tracks emotional 22 disabilities, correct? 23 A. Correct. Yes. 24 Q. Does the department track how 25 many of those emotional disabilities are</p>
<p style="text-align: right;">Page 63</p> <p>1 anxiety, so they would take a look at that. 2 If it's something outside of 3 school, then typically the school 4 psychologist would collaborate with a medical 5 provider to determine another source. 6 Certainly our school 7 psychologists give rating scales to our 8 teachers, as well as our parents, to get 9 input on any sources of anxiety, for example. 10 Q. Does the department track 11 information relating to the source or cause 12 of a student's disability? 13 MR. CUTLER: Object to form. 14 A. The department tracks the 15 disability area, and so then that becomes the 16 primary or the secondary eligibility. If 17 there's any other information, that would be 18 narrative form in a report, perhaps. 19 BY MR. RICE: 20 Q. And so when you say the 21 department tracks disability, are you 22 referring to something like with our -- go to 23 our prior example, anxiety, correct? 24 A. The disability would be 25 emotional disability or other health</p>	<p style="text-align: right;">Page 65</p> <p>1 anxiety compared to schizophrenia, for 2 instance? 3 A. No, we do not. 4 Q. And that's true for all 5 qualifying disabilities, that you're not 6 tracking, like, a second level of 7 granularity. 8 Does that make sense? 9 A. Yes, that's correct. 10 Q. It's correct that you're not 11 tracking that? 12 A. We're not tracking that, no. 13 The disability category, the student meets 14 the category. We certainly can read more 15 narrative information about that student and 16 how that disability manifests. 17 And then we see, like, the IEP 18 that might have services to support that 19 area. Or some students have behavior plans 20 that gives us more information. 21 Q. Does the IDEA require school 22 districts to conduct evaluations to identify 23 qualifying disabilities? 24 A. Yes, that's correct. 25 Q. And does the IDEA require</p>

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<p style="text-align: right;">Page 66</p> <p>1 school districts to have psychologists on 2 staff for that purpose? 3 A. That's correct. We must have 4 psychologists as the primary qualified 5 evaluations to identify certain disability 6 areas, yes. 7 Q. And then does the department 8 also work with external medical providers to 9 evaluate students? 10 A. Sometimes we do. Sometimes we 11 receive the evaluations and we review them. 12 So once we receive an outside evaluation, 13 we're required to review it, and then either 14 accept it and move forward with a disability 15 category or we may need to do additional 16 testing to determine if the student meets 1 17 of the 13 disability categories. 18 Q. Does the department ever refer 19 students to outside medical providers for 20 testing? 21 A. We do independent education 22 evaluations. They're referred to as IEE. 23 And so with IEEs, after the district has 24 provided an initial evaluation, if there's 25 some disagreement from the parent or</p>	<p style="text-align: right;">Page 68</p> <p>1 A. So it's an individualized 2 education program that's really tailored to 3 the needs of the student. It begins with, 4 like, their present levels. So it looks at 5 their levels of academic performance and 6 functioning. It looks at their 7 social-emotional needs. It looks at any 8 communication, any sensory needs, any visual 9 needs, any hearing needs, and then it creates 10 goals based on those strengths and areas of 11 needs. 12 For secondary students, it also 13 creates post-secondary goals to start in that 14 transition from high school out into the 15 community. It has related services that 16 students need to access the general ed 17 curriculum. It also has supplemental 18 services and supports for adults who are 19 working with students. 20 So it's a comprehensive program 21 to determine the least restrictive 22 environment, and any services or specially 23 designed instruction that a student needs 24 based on the evaluation process and their 25 present levels.</p>
<p style="text-align: right;">Page 67</p> <p>1 guardian, then we provide a list of 2 practitioners who are outside evaluators to 3 the parent. And then we provide one no-cost 4 evaluation per year to a parent if that 5 request comes in. 6 Q. And who at the department is 7 responsible for that? 8 A. Our ombudsperson is the one who 9 monitors and facilitates the independent 10 evaluation process. 11 Q. And who is currently in that 12 role? 13 A. Monica Ayon. 14 Q. And so if the student is 15 determined to be eligible for exceptional 16 education services, is the next step to 17 develop an IEP for that student? 18 A. Yes. So the next step would be 19 to develop an IEP, which would offer the 20 provision of the free appropriate public 21 education. At that time, the parent or 22 guardian can decide to accept that placement 23 into special education or exceptional 24 education or they could decline the offer. 25 Q. And what is an IEP?</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. And who is responsible for the 2 developing IEPs? 3 A. IEPs are developed by case 4 managers. Case managers are typically 5 exceptional education teachers. Speech and 6 language pathologists are also case managers 7 for students if speech and language is the 8 only area of need. 9 Q. Do the case managers consult 10 with others in developing the IEPs? 11 MR. CUTLER: Object to form. 12 A. So case managers are one member 13 of the IEP team. So an IEP team must consist 14 of a special education teacher, a general 15 education teacher, a parent or guardian. If 16 a student is 18 or older, the student is a 17 part of an IEP team, although students can be 18 invited to team meetings at an age that's 19 appropriate for that student. 20 If a student has any related 21 service providers, such as speech and 22 language, occupational therapists, physical 23 therapists, social workers, those individuals 24 are a part of that student's team. 25 We do have students who might</p>

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<p style="text-align: right;">Page 70</p> <p>1 have hearing needs, so deaf and hard of  2 hearing, we have deaf and hard of hearing  3 teachers. We have educational sign language  4 interpreters who would be a part of that  5 team.  6 We also have students with  7 visual needs who might have a visual  8 impairment teacher who is supporting them. A  9 student could also have orientation mobility  10 services that would help them navigate a  11 campus if they have visual impairments.  12 BY MR. RICE:  13 Q. Are psychologists ever part of  14 the IEP team?  15 A. Psychologists can be a part of  16 the IEP team. If they are, they are  17 considered to be kind of the data  18 representative of an IEP team. They are not  19 required to be there. Sometimes they are.  20 They're required to be a part of the  21 multidisciplinary team for the evaluation.  22 Q. And the IEP process is required  23 by the IDEA, correct?  24 A. Correct.  25 We also have a district</p>	<p style="text-align: right;">Page 72</p> <p>1 specialist would come in and do an  2 observation of the student, would review the  3 behavior plan, would review any data related  4 to the student's response to the behavior  5 plan.  6 The behavior specialist has a  7 very specialized role in looking at the  8 antecedents, so what's happening before,  9 looking at the behavior and then the  10 consequences for the student.  11 The behavior specialist  12 typically would come up with an enhancement  13 of that current behavior plan or maybe  14 facilitate the rewriting of the behavior  15 plan, and would also provide some coaching on  16 implementing that behavior plan.  17 Oftentimes, we have an  18 instructional specialist, which is like a  19 paraeducator level position, to go in and  20 provide the training and support when schools  21 are implementing a new behavior plan.  22 There's also follow up on the progress of  23 that behavior plan by the behavior  24 specialist.  25 Q. Are the behavior plans, if the</p>
<p style="text-align: right;">Page 71</p> <p>1 representative role of the IEP team.  2 Sometimes that is an exceptional education  3 teacher. Sometimes that could be a role like  4 an assistant director.  5 Q. Are there behavioral  6 intervention specialists on the IEP team?  7 A. We have some behavior  8 specialists that are part of the exceptional  9 education department. They could participate  10 in an IEP team meeting if they are working  11 directly with a student with some significant  12 behavior challenges.  13 Q. And what role do the behavior  14 specialists play in the exceptional education  15 department?  16 A. So the behavior specialists are  17 available if a student has a behavior plan  18 that's being implemented by the school team  19 and the student's behaviors continue to  20 escalate, or if they continue to be dangerous  21 or if they continue to be at a level that's  22 not showing progress toward meeting a  23 behavioral goal.  24 So then there is a referral to  25 the behavior specialist. The behavior</p>	<p style="text-align: right;">Page 73</p> <p>1 student has one, related to the IEP?  2 A. Yes. It's related to the  3 behavioral goal or challenge that's in the  4 IEP based on the student's need for more  5 self-regulation or less aggression or  6 whatever that behavior challenge is.  7 Q. In the exceptional education  8 department, do students ever have behavior  9 plans that are not tied to an IEP or 504  10 plan?  11 A. In the exceptional education  12 department, a student must have an IEP or a  13 504 plan first to have a behavior plan.  14 So the -- they would not have  15 one that's not connected to or tied to it.  16 Connected or tied to it, no.  17 Q. And how do behavioral monitors  18 fit into this process?  19 A. So behavior monitors are more  20 gen ed staff. They typically would not be  21 working with exceptional students or students  22 who have 504 plans.  23 Q. And school districts are  24 required by law to provide the services laid  25 out in the IEP?</p>

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<p style="text-align: right;">Page 74</p> <p>1 A. Correct.</p> <p>2 Q. And we were discussing 504 plan</p> <p>3 a second ago.</p> <p>4 What is a 504 plan?</p> <p>5 A. So a 504 plan is a medically</p> <p>6 need-based plan for a student to access a</p> <p>7 general curriculum.</p> <p>8 So, for example, a student</p> <p>9 could have asthma or maybe a student has</p> <p>10 diabetes, or a student could have anxiety,</p> <p>11 anything that has a medical diagnosis and is</p> <p>12 restricting or limiting or causing a negative</p> <p>13 impact on the student's ability to access</p> <p>14 school and to access the general education</p> <p>15 curriculum.</p> <p>16 Q. And what information would be</p> <p>17 contained in a 504 plan?</p> <p>18 A. So the 504 plan would contain</p> <p>19 whatever the area need or the disability is,</p> <p>20 and what a student needs to mitigate that</p> <p>21 disability.</p> <p>22 So what kind of accommodations</p> <p>23 should be provided by the general ed teacher</p> <p>24 or if there's medication that should be</p> <p>25 administered, or maybe if there's any kind of</p>	<p style="text-align: right;">Page 76</p> <p>1 that are typically collected by the</p> <p>2 exceptional education department.</p> <p>3 BY MR. RICE:</p> <p>4 Q. And so the data points that are</p> <p>5 collected by the exceptional education</p> <p>6 department from parents and students are all</p> <p>7 collected as part of the IEP or 504 plan</p> <p>8 process?</p> <p>9 A. Yes.</p> <p>10 MR. RICE: I think let's take a</p> <p>11 short break.</p> <p>12 THE VIDEOGRAPHER: We are going</p> <p>13 off the record. The time is 9:19.</p> <p>14 (Recess taken, 9:19 a.m. to</p> <p>15 9:31 a.m. MST)</p> <p>16 THE VIDEOGRAPHER: We are going</p> <p>17 back on the record. The time is 9:31.</p> <p>18 BY MR. RICE:</p> <p>19 Q. Welcome back, Dr. Salmon. We</p> <p>20 talked about qualified disabilities earlier.</p> <p>21 I want to ask a few more questions about</p> <p>22 that.</p> <p>23 MR. RICE: Let's mark as</p> <p>24 Exhibit 2, tab 2.</p> <p>25 (Whereupon, TUSD-Salmon-2,</p>
<p style="text-align: right;">Page 75</p> <p>1 device that a student may need to monitor a</p> <p>2 medical condition.</p> <p>3 Q. And are school districts</p> <p>4 required by law to develop 504 plans for</p> <p>5 qualifying students and to provide the</p> <p>6 accommodations that are required by those</p> <p>7 plans?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Other than in connection with</p> <p>10 the IEP and 504 process, does the exceptional</p> <p>11 education department collect information from</p> <p>12 students?</p> <p>13 MR. CUTLER: Object to the</p> <p>14 form.</p> <p>15 A. The exceptional education</p> <p>16 department collects information based on the</p> <p>17 504 plan progress or goals, as well as the</p> <p>18 IEP plan progress or goals.</p> <p>19 Certainly in the evaluation</p> <p>20 process, there's information collected on</p> <p>21 students. We're required by state to collect</p> <p>22 information on parent satisfaction with the</p> <p>23 IEP process and the progress that their</p> <p>24 students are making.</p> <p>25 So those are the data points</p>	<p style="text-align: right;">Page 77</p> <p>1 Disability Categories, was marked for</p> <p>2 identification.)</p> <p>3 BY MR. RICE:</p> <p>4 Q. And Exhibit 2 is a list of</p> <p>5 qualifying disability categories from TUSD's</p> <p>6 website.</p> <p>7 Dr. Salmon, this is the list of</p> <p>8 qualifying disability categories you referred</p> <p>9 to earlier. Correct?</p> <p>10 MR. CUTLER: Object to form.</p> <p>11 A. Correct.</p> <p>12 BY MR. RICE:</p> <p>13 Q. And this list contains</p> <p>14 information on disability categories from the</p> <p>15 Arizona Department of Education and the IDEA,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. And so the first category</p> <p>19 listed is Autism.</p> <p>20 What are some of the</p> <p>21 accommodations TUSD might provide to a</p> <p>22 student who has autism?</p> <p>23 MR. CUTLER: Object to form.</p> <p>24 A. So a student qualifies as</p> <p>25 having autism because they have some</p>

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<p style="text-align: right;">Page 78</p> <p>1 communication or language support needs that 2 are impacting their access to the general 3 curriculum. 4 And it just depends, because 5 autism is such a continuum. So we can have 6 students who have high intellectual ability, 7 high levels of functioning, and maybe they 8 might need some social skill development or 9 social support with interacting with peers or 10 other adults. 11 We could also have a student 12 with autism who might have an intellectual 13 disability, for example, and so that student 14 might have some limitations in their 15 cognition. So they may need to have the 16 curriculum modified or adapted to support 17 their cognitive ability. 18 A student with autism would 19 typically have speech and language therapy as 20 a related service to also support some of the 21 pragmatic language skill development or 22 pragmatic language needs. 23 BY MR. RICE: 24 Q. If you turn to the next page, 25 another category of disability is</p>	<p style="text-align: right;">Page 80</p> <p>1 communication need, so a student may have 2 some speech services. A student could have a 3 need in, like, developing pre-reading or 4 pre-math skills, so the student could receive 5 some services or support in that area. 6 A student may have some 7 physical limitations that might require 8 physical therapy. A student could have some 9 sensory needs or a student could have some 10 fine motor needs that would require support 11 from occupational therapy. 12 So it just depends on what area 13 of delay the student has, what the services 14 and support would look like. 15 BY MR. RICE: 16 Q. The next category is Emotional 17 Disturbance. 18 What types of conditions are 19 included in the emotional disturbance 20 category? 21 A. So the emotional disturbance 22 includes diagnoses that could be in the DSM. 23 So it could be a student with 24 depression. It could be a student with 25 anxiety. It could be a student who has</p>
<p style="text-align: right;">Page 79</p> <p>1 Developmental Delay, correct? 2 A. Yes, that is one. 3 Q. And what is a developmental 4 delay? 5 A. So a developmental delay is for 6 an individual who is age 3 to 9, and they 7 have a limitation in an area such as 8 communication, social-emotional needs, 9 physical development, or cognition. 10 Q. And what are some of the 11 accommodations TUSD might provide to a 12 student who has a developmental delay? 13 MR. CUTLER: Object to form. 14 A. A student who has a 15 developmental delay is a student who could be 16 serviced in a preschool classroom or an 17 elementary classroom. So the students 18 services would just be based on the areas of 19 need. 20 So, for example, we could have 21 some students with developmental delays, and 22 they could need assistance with areas of 23 daily activities, such as for toileting, with 24 feeding, with grooming, with clothing. 25 A student may have a</p>	<p style="text-align: right;">Page 81</p> <p>1 schizophrenia. It could be a student with 2 post-traumatic stress. There are a variety 3 of emotional needs or disturbances that could 4 qualify for this area. 5 Q. And what are some of the 6 accommodations TUSD might provide to a 7 student who has emotional disturbance? 8 MR. CUTLER: Object to form. 9 A. So, typically, a student would 10 have a goal and they would have some 11 behavioral goal. So the goal is often with, 12 like, coping strategies or self-regulation. 13 And students also may have a related service, 14 such as counseling, on their IEP, if they 15 have an emotional need. 16 BY MR. RICE: 17 Q. And if we look at the next 18 page, the category is Intellectual 19 Disability, correct? 20 A. Yes. 21 Q. And according to this document, 22 intellectual disability is the current term 23 for what used to be referred to as mental 24 retardation, correct? 25 A. That's correct.</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. And what are some 2 accommodations TUSD might provide for a 3 student who has an intellectual disability? 4 A. So for a student who has an 5 intellectual disability, there would 6 oftentimes be a goal for reading, writing, 7 and math. And so there would be some 8 modification to the curriculum or some 9 different modalities used to teach reading, 10 writing, and math to help the student access 11 the curriculum in that area. 12 Q. And then further down the same 13 page, another category is Other Health 14 Impairment. 15 A. Yes. 16 Q. And some examples listed in 17 this paragraph of other health impairment are 18 asthma, ADD, ADHD, diabetes, epilepsy, a 19 heart condition, hemophilia, lead poisoning, 20 leukemia, nephritis, rheumatic fever, sickle 21 cell anemia, and Tourette syndrome, correct? 22 A. Correct. 23 Q. So this is a pretty broad 24 category, is that fair to say? 25 A. Yes, it is.</p>	<p style="text-align: right;">Page 84</p> <p>1 de-escalation strategies, or the student 2 could potentially have a paraprofessional to 3 support in that area. It's possible that the 4 student could have counseling as an early 5 service provider. 6 BY MR. RICE: 7 Q. And the next category is 8 Preschool Severe Delay, correct? 9 A. Correct. 10 Q. What is a preschool severe 11 delay? 12 A. A preschool severe delay is 13 similar to the developmental delay. So it's 14 fairly common for preschoolers to have a 15 developmental delay. We're looking to see if 16 the student will accelerate in development 17 and meet developmental milestones. 18 The severe developmental delay 19 has to do with the additional standard 20 deviations below the norm. It has to be at 21 least a 3 to be a severe delay. And so this 22 is a student with very significant cognitive 23 delays or physical or, like, language 24 development, communication, or 25 social-emotional or maladaptive just</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. And what are some of the 2 accommodations TUSD might provide for a 3 student in this category? 4 MR. CUTLER: Object to the 5 form. 6 A. So a student with other health 7 impairments, the health impairment could be 8 either mental health impairment, emotional 9 impairment. It could be a physical 10 impairment. 11 So it really depends on what 12 type of disability and the reason for the 13 health impairment. 14 So, for example, a student who 15 has asthma or diabetes may receive support 16 from a nurse, or may receive support from a 17 health assistant. Could also receive support 18 from a paraprofessional to provide, like, 19 oversight or to provide administration of 20 medication or some other medical procedure. 21 We could also have a student 22 who might have anxiety or depression. For 23 example, that student may receive some 24 accommodations with, like, maybe a quiet 25 place or some direct instruction and</p>	<p style="text-align: right;">Page 85</p> <p>1 behaviors, or a lack of kind of the self-help 2 or self-care skills, such as, like, speaking 3 or toileting or, like, eating. Those kinds 4 of needs that are severe. 5 Q. And so what are some of the 6 accommodations TUSD might provide for this 7 disability? 8 A. So an individual with a 9 preschool severe delay has to be in 10 preschool. The preschool severe delay is 11 only for that age 3 to 5 up and until an 12 individual student is ready to progress 13 through kindergarten. 14 So in the preschool classroom, 15 the student may have a paraprofessional who 16 is supporting them. The student may have, 17 like, a nurse or health assistant or an LPN 18 who is providing the support. The student 19 may receive physical therapy or occupational 20 therapy. So just a variety of those supports 21 based on the need. 22 Q. And the next category is 23 Specific Learning Disability, correct? 24 A. Correct. 25 Q. And some of the types of</p>

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<p style="text-align: right;">Page 86</p> <p>1 learning disabilities listed here are brain 2 injuries or dyslexia, correct? 3 A. Correct. 4 Q. And what are some of the 5 accommodations students at TUSD receive for 6 learning disabilities? 7 MR. CUTLER: Object to form. 8 A. So a student who had a learning 9 disability would have a goal in whatever area 10 the disability is in. So it would be 11 reading, it would be writing, or it would be 12 math. 13 And so they would have a goal 14 to support instruction in that area. So 15 that's specially designed instruction that's 16 provided by an exceptional education teacher. 17 BY MR. RICE: 18 Q. And this paragraph also lists 19 perceptual disabilities as an example of 20 specific learning disability. 21 What's a perceptual disability? 22 A. So a perceptual disability 23 would involve the way that a student sees 24 things happening, or maybe kind of their 25 definition or their concept of the space and</p>	<p style="text-align: right;">Page 88</p> <p>1 language pathologists who support the 2 pragmatic language or provide, like, support 3 with social stories or other communication 4 that we see sometimes in a student who has 5 autism. 6 Q. Social media addiction is not 7 listed as a qualifying disability, correct? 8 A. Correct. 9 MR. RICE: You can take that 10 down, Mr. Lawlor. 11 BY MR. RICE: 12 Q. I want to switch gears, 13 Dr. Salmon, and talk a little more about some 14 of the different staff members in the Ex Ed 15 department. 16 A. Okay. 17 Q. Earlier you mentioned social 18 workers. 19 What is the role of social 20 workers in the department? 21 A. So social workers are there to 22 provide social and emotional support for 23 students. They are there to help students 24 with any social-emotional regulation 25 strategies that are needed to help them just</p>
<p style="text-align: right;">Page 87</p> <p>1 time around them, just some of the 2 information that they're taking in and they 3 are making sense of or they're using. 4 Q. And then the next category is 5 Speech or Language Impairment, correct? 6 A. Correct. 7 Q. And some examples there would 8 be a stutter or a voice impairment, correct? 9 A. Correct. 10 Q. And what are some of the 11 accommodations TUSD might provide for speech 12 impairments? 13 A. So we have speech and language 14 pathologists who provide direct therapy 15 support. So they provide support with both 16 receptive and expressive language. So really 17 to help the student if the student is 18 stuttering. Help them, like, take breaths or 19 slow down their speech patterns. 20 Also, if maybe a student is 21 having trouble retrieving information, like, 22 giving them mental models for things that 23 they can think and process so they can 24 articulate what they're wanting to say. 25 We also have our speech and</p>	<p style="text-align: right;">Page 89</p> <p>1 be present and access the curriculum. 2 They are there to provide 3 resources for families if they need 4 additional support with resources, both in 5 school and out of school. 6 Q. And social workers at TUSD are 7 split into exceptional education social 8 workers and general education social workers, 9 correct? 10 A. Correct. 11 Q. And you supervise the 12 exceptional education social workers, right? 13 A. Correct. 14 Q. And the general education 15 social workers are supervised by the site 16 administrators and regional superintendents? 17 A. Correct. 18 Q. And how are the exceptional 19 education social workers assigned to schools? 20 A. They are assigned to schools 21 based on student need. So our social workers 22 can provide counseling as a related service. 23 That's on the IEP. 24 And so we have our social 25 workers assigned based on master-level social</p>

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<p style="text-align: right;">Page 90</p> <p>1 workers, clinical social workers, or 2 bachelor-level social workers. 3 Our bachelor level social 4 workers are assigned by region. So we have 5 five, one per five regions, the same regions 6 that we have for, like, the assistant 7 directors and the regional superintendents. 8 For the master and the 9 clinical-level social workers, they are 10 assigned based on student population, IEP 11 goals or IEP services for counseling. 12 We have our clinical level 13 social workers assigned to campuses that have 14 students with emotional disturbance as a 15 primary disability and counseling as a 16 related service on the IEP for a student who 17 has an emotional disturbance. 18 Q. Has the role of social workers 19 at TUSD changed during your time at the 20 district? 21 A. Yes. The role of social 22 workers has evolved. When I entered my role 23 in the district, we had such a staffing 24 shortage of social workers. We had a lot of 25 vacancies. And so we were looking at, like,</p>	<p style="text-align: right;">Page 92</p> <p>1 whatever schools the students are attending, 2 whatever students have the need. So they're 3 kind of the first line assigned person, and 4 so they can provide a lot of general support. 5 And then if we have students 6 who need more specialized support, then we 7 can refer to a master level social worker. 8 Q. And so for the bachelor level 9 social workers, would the way they spend 10 their time vary depending on the types of 11 issues they see in their particular region? 12 A. Correct. 13 Q. And in the clinical level 14 social workers, you said they're assigned to 15 campuses that have emotional disturbance as a 16 primary disability? 17 A. Correct. A specialized program 18 for students who have emotional disturbance. 19 Q. So would that be Mary Meredith 20 or would that be other schools that have a 21 locus of students with emotional disturbance? 22 A. So it would be Mary Meredith, 23 in addition to some other campuses that have 24 a specialized program for exceptional 25 education students and emotional disturbance</p>
<p style="text-align: right;">Page 91</p> <p>1 what do our students need? 2 So our students need someone to 3 help check in on them. Sometimes our 4 students need help with teaching-regulation 5 strategies. Sometimes students need help 6 with self-advocacy. Sometimes students need 7 help with accessing resources for, like, 8 their homelife or their family. 9 So the bachelor level social 10 workers are really, like, case managers and 11 they can provide a lot of general things. 12 Then our master and our clinical social 13 workers are the individuals who can provide 14 counseling and support students who have 15 higher levels of needs. 16 Q. For the bachelor level social 17 workers, they are assigned geographically, 18 correct? 19 A. Correct. 20 Q. And so would the types of 21 students and disabilities they interact with 22 vary just based on what is present in each 23 region at any given time? 24 A. Correct. So their student 25 population is assigned geographically, just</p>	<p style="text-align: right;">Page 93</p> <p>1 as the primary disability category. 2 Q. Which other campuses have that 3 program? 4 A. We have Valencia Middle School 5 that has that program. We have Doolen Middle 6 School that has that program. Vail Middle 7 School. We also have Magee Middle School. 8 We have high schools. We have 9 Sahuaro High School. We have Palo Verde High 10 School. We have Tucson High. 11 And then, for the elementaries, 12 we have Peter Howell and we have Lineweaver. 13 Q. For the clinical level social 14 workers that are assigned to the schools that 15 are not Mary Meredith, at those schools, 16 there are also students who have other 17 qualifying disabilities other than emotional 18 disturbance, correct? 19 A. Correct. 20 Q. Do the licensed clinical social 21 workers work with those students? 22 A. It's possible that they work 23 with other students who have other qualifying 24 disabilities if they have counseling on their 25 IEP.</p>

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<p style="text-align: right;">Page 94</p> <p>1 Q. And so would the way a licensed 2 clinical social worker at Mary Meredith spend 3 their time be different than the way a 4 licensed clinical social worker at Tucson 5 High spends their time, for instance? 6 MR. CUTLER: Object to form. 7 A. So a social worker at Mary 8 Meredith is spending 100% of their time with 9 exceptional education students at Mary 10 Meredith, all of the students who have 11 emotional disturbance. 12 So they would do more things 13 like social groups. They would provide the 14 counseling. They would also take a role in 15 the kind of intake process for students who 16 are transitioning from one school going to 17 Mary Meredith or for Mary Meredith students 18 transitioning out of there going into a 19 comprehensive school. 20 And so they spend a lot more 21 time working directly with students. They 22 would spend more hours working on the skills. 23 They would work more holistically with the 24 students at Mary Meredith. 25 If they were at a comprehensive</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Correct. 2 Q. And so the way a master social 3 worker spends their time might vary depending 4 on the particular grouping of disabilities 5 for the students they're working with at a 6 particular time? 7 MR. CUTLER: Object to form. 8 A. Correct. 9 MR. RICE: Let's mark as 10 Exhibit 3, tab 32A. 11 (Whereupon, TUSD-Salmon-3, 12 Social Worker-LCSW, SM_TUSD_00511876- 13 SM_TUSD_00511877, was marked for 14 identification.) 15 BY MR. RICE: 16 Q. And Exhibit 3 is a document 17 produced by TUSD with the Bates 00511876. 18 And, Dr. Salmon, this is the 19 job description for licensed clinical social 20 workers at TUSD, correct? 21 A. Correct. 22 Q. And under essential functions 23 it lists the functions of the licensed 24 clinical social workers? 25 A. Correct.</p>
<p style="text-align: right;">Page 95</p> <p>1 school, they typically would have their 2 caseload of students who they're just 3 providing the counseling for. They may 4 provide, like, workshops for students who 5 have a substance misuse infraction per the 6 code of conduct. They may do, like, a social 7 skills group with the student there. 8 Their role is a little more 9 general. And, again, it's less time with the 10 individual students because they do have a 11 larger caseload. 12 BY MR. RICE: 13 Q. And for the master social 14 workers, how are they assigned to particular 15 schools? 16 A. So master social workers are 17 assigned to schools for students who have 18 counseling as a related service on their IEP. 19 They're typically the ones who are supporting 20 students who have other eligibilities as a 21 qualifying disability outside of the 22 emotional disturbance category. 23 Q. And a student could have 24 counseling on their IEP for a variety of 25 different disabilities, correct?</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. RICE: Let's mark as 2 Exhibit 4, tab 32B. 3 (Whereupon, TUSD-Salmon-4, 4 Social Worker - Masters, 5 SM_TUSD_00511878- SM_TUSD_00511879, 6 was marked for identification.) 7 BY MR. RICE: 8 Q. And Exhibit 4 is a document 9 produced by TUSD with the Bates 00511878. 10 And, Dr. Salmon, this is the 11 job description for social workers with a 12 master's degree at TUSD, correct? 13 A. Correct. 14 Q. And under essential functions 15 it lists some of the job responsibilities for 16 master's level social workers in the 17 district, correct? 18 A. Correct. 19 MR. RICE: Let's mark as 20 Exhibit 5, tab 33. 21 Excuse me. Tab 35, I'm sorry. 22 34, I'm so sorry. 23 Sorry, let me -- 33-A. I'm 24 sorry, I misread that one. 25 (Whereupon, TUSD-Salmon-5,</p>

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<p style="text-align: right;">Page 98</p> <p>1 Social Worker Associate, 2 SM_TUSD_00509984- SM_TUSD_00509986, 3 was marked for identification.) 4 BY MR. RICE: 5 Q. And Exhibit 5 is a document 6 produced by TUSD with the Bates 00509984. 7 And, Dr. Salmon, this is a job 8 description for social workers with a level 9 of associate, correct? 10 A. Correct. 11 Q. And these are the bachelor's 12 degree level social workers we were 13 discussing earlier? 14 A. Correct. 15 Q. And then at the bottom of the 16 page, going onto the second page, it lists 17 some of their job functions? 18 A. Yes. 19 Q. Several of these job 20 descriptions refer to substance abuse. 21 What are the roles of social 22 workers at TUSD with respect to substance 23 abuse? 24 A. So social workers in TUSD have 25 helped create an internal curriculum to</p>	<p style="text-align: right;">Page 100</p> <p>1 psychologists include conducting evaluations 2 for students, correct? 3 A. Correct. 4 Q. Has the role of psychologists 5 changed during your time at TUSD? 6 A. Yes. The role of psychologists 7 has changed because we've had such a shortage 8 in the hiring of school psychologists. We've 9 gotten information from the National Board of 10 School Psychologists that told us it would 11 take 20 years to obtain the number of school 12 psychologists that are needed in schools 13 throughout this country. 14 And so we've taken a look at 15 the job of the school psychologists and we've 16 kind of compartmentalized the job into, like, 17 what are some things that other people could 18 be qualified and provide training to do. 19 And so we have clinician 20 support specialists. And so those are 21 individuals who can do some data entry. They 22 can request records. They can do some 23 student observations. 24 This role is really focused on 25 a grow-your-own process to have aspiring</p>
<p style="text-align: right;">Page 99</p> <p>1 address substance misuse by students. And so 2 there's a series of three workshops that a 3 student could attend. 4 So the first workshop is for a 5 first infraction of substance abuse or use, 6 and then it escalates from there. Then 7 there's a workshop 2 and a workshop 3. 8 And so we've had our clinical 9 and our master level social workers, they 10 worked in collaboration with COPE behavioral 11 health organization to create these 12 workshops. They also provide a workshop and 13 training to students once they receive parent 14 permission for a student to participate in 15 the workshop. 16 Q. And how often do they put on 17 those workshops? 18 A. They're on an as-needed basis. 19 So referrals typically come from an 20 administrator of a campus for a student to 21 participate in the workshop. So then the 22 workshops are provided based on need. 23 Q. You can set that aside. 24 What is the role of -- well, 25 earlier we were discussing that the role of</p>	<p style="text-align: right;">Page 101</p> <p>1 individuals get more familiar about the role 2 of school psychologist in hopes they would go 3 to school and then become school 4 psychologists and come back and work for TUSD 5 as a school psychologist. 6 We also have the role of 7 diagnostician. So a diagnostician is an 8 individual who is trained to administer 9 achievement assessments. And so we have a 10 group of three diagnosticians who provide 11 administration of achievement assessment. 12 We've also had some 13 Woodcock-Johnson assessment training for some 14 of our teachers. And so we have a group of 15 teachers who went through the cohort of 16 training and became qualified evaluators to 17 evaluate for achievement or academic needs. 18 Q. And so has the way 19 psychologists spent their time on different 20 job functions then changed over the course of 21 your career at TUSD? 22 MR. CUTLER: Object to form, 23 it's vague. 24 A. So we have our school 25 psychologists that now have higher caseloads</p>



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<p style="text-align: right;">Page 102</p> <p>1 because we have a shortage of them. We have  2 additional support providers who are helping  3 with different aspects of their role.  4 We also have regional point of  5 contacts for school psychologists. So we  6 have one per region. So they are available  7 to triage and just to review any concerns  8 that our school campuses have.  9 So this regional point of  10 contact is a new role. Oversight and support  11 of the clinician support specialist is a new  12 role. We previously had one diagnostician.  13 We increased that role to now have three.  14 And so our school psychologists  15 and our lead for school psychologists work  16 very closely with the clinician support  17 specialists and the diagnosticians, as well  18 as any of the teachers who would be  19 administering the achievement assessment.  20 BY MR. RICE:  21 Q. And other than evaluations,  22 what other job functions do school  23 psychologists have?  24 A. Yes, so our school  25 psychologists also provide information and</p>	<p style="text-align: right;">Page 104</p> <p>1 MR. RICE: Let's mark as  2 Exhibit 6, tab 34.  3 (Whereupon, TUSD-Salmon-6,  4 Psychologist, SM_TUSD_00558911-  5 SM_TUSD_00558912, was marked for  6 identification.)  7 BY MR. RICE:  8 Q. And Exhibit 6 is a document  9 produced by TUSD with the Bates 00558911.  10 And, Dr. Salmon, this is a job  11 description for a psychologist at TUSD,  12 correct?  13 A. Correct.  14 Q. And then, on the second page,  15 under Essential Functions, it lists their job  16 responsibilities, correct?  17 A. Correct.  18 Q. Are there different types of  19 psychologists employed by TUSD?  20 A. We have EDS, which is, like, a  21 graduate level credentialing of school  22 psychologists, and then we also have Ph.D.  23 level psychologists.  24 Q. In some documents I've seen  25 terms referred to as psychologists versus</p>
<p style="text-align: right;">Page 103</p> <p>1 guidelines and recommendations for  2 interventions to support students who are  3 having either academic or behavior challenges  4 or any other concerns that are impacting  5 their access to the curriculum.  6 Our school psychologists  7 provide consultation to school staff. Our  8 school psychologists may consult with the  9 tier 3 level of providers for students who  10 are in the MTSS process of tier 3.  11 Our school psychologists could  12 also provide counseling for students who may  13 have counseling as a related service on their  14 IEPs.  15 Q. Is there anything else?  16 A. So our school psychologists are  17 oftentimes kind of the exceptional education  18 point of contact at a school. They have a  19 lot of general level knowledge about the  20 evaluation process, as well as the IEP  21 process.  22 They also provide input in  23 guidance or recommendations if a team is  24 thinking about placement or other services  25 for a student.</p>	<p style="text-align: right;">Page 105</p> <p>1 school psychologists versus school  2 psychologists hybrid.  3 A. Mm-hmm.  4 Q. Are you familiar with the  5 differences between those?  6 A. Yes. So psychologists, school  7 psychologists, that is one and the same.  8 Seems that maybe just the school was omitted  9 from the psychologist.  10 Hybrid psychologists, their  11 roles and responsibilities are very similar.  12 These are individuals who work, like, some  13 remote time. So they may be participating in  14 meetings. They may be holding, like, a  15 manifestation determination, which is  16 something that our psychologists do when  17 there's a disciplinary concern with students.  18 So the hybrid just means that  19 they're not 100% in person in one of our TUSD  20 schools.  21 Q. And does TUSD also employ  22 psychology interns?  23 A. Yes.  24 Q. What are psychology interns?  25 A. So psychology interns are</p>

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<p style="text-align: right;">Page 106</p> <p>1 individuals who have completed their 2 coursework through an approved university 3 program, and they are in the last stages of 4 getting all of their credentials. 5       So our interns shadow one of 6 our existing school psychologists for one 7 semester, and then the second semester they 8 begin to perform some of the essential 9 functions of a school psychologist under the 10 supervision of a school psychologist in TUSD, 11 as well as with collaboration from a 12 university professor. 13       Q. And does TUSD pay psychology 14 interns? 15       A. Yes. Psychology interns are 16 paid an hourly rate. 17       Q. And then, does TUSD also have 18 psychology externs? 19       A. Yes. So psychology externs are 20 individuals who are not yet ready to be an 21 intern. They have finished the coursework, 22 but they also have some additional university 23 requirements before they're ready to be 24 interns. 25       And so externs is something</p>	<p style="text-align: right;">Page 108</p> <p>1       Q. And then how are psychologists 2 at TUSD assigned to schools? 3       A. So psychologists are assigned 4 based on their level of expertise and based 5 on preference. Each year in the spring, 6 psychologists are asked to rate the schools 7 that they would want to support or be 8 assigned at. They have three, so first, 9 second, and third choice. 10       And then based on that 11 information, based on need, the lead school 12 psychologist would take a look at, like, 13 where is the greatest need. For example, if 14 we have a need, like, at Mary Meredith, that 15 would be the highest priority for us because 16 its the students with the highest need. 17       I mentioned other programs like 18 Valencia or Doolen or Alice Vail or Magee. 19 So one of those campuses that have a very 20 specialized Ex Ed program would also be the 21 next level of school who would have assigned 22 school psychologists. 23       Q. And then, earlier we also 24 discussed behavioral specialists and 25 behavioral monitors.</p>
<p style="text-align: right;">Page 107</p> <p>1 that we started to hire a year ago. And so 2 our externs typically work one or two days a 3 week. And their primary function is to 4 administer assessments that they've been 5 trained to administer. 6       Q. For both psychology externs and 7 interns, are there certain job 8 responsibilities they're not able to fulfill 9 because of licensing? 10       A. Yes, that is correct. 11       Q. What are some of the functions 12 they aren't able to fill at their level? 13       A. So they're able to administer 14 assessments and give some guidance on, like, 15 student supports. They're available to 16 collaborate and give guidance to team 17 members. They need to work under the 18 supervision of a psychologist. 19       So they would not make an 20 eligibility determination, they would just 21 provide all of the assessment data, give that 22 data to a psychologist who is certified, and 23 then that psychologist would review the data 24 and then make a determination based on that 25 information.</p>	<p style="text-align: right;">Page 109</p> <p>1       A. Mm-hmm. (Witness nods.) 2       Q. Have those roles changed over 3 your time at TUSD? 4       A. So we have -- we have a 5 behavior team. So it's Behavior Education 6 Student Support Team, the acronym is BEST, 7 B-E-S-T. 8       And this team has been around 9 before my tenure, and it continues. In the 10 past, the behavior specialists were working 11 more directly with students. They've evolved 12 to more of a supervisory support. 13 Intervention specialists are working directly 14 with students, for the most part. 15       We also have a capacity 16 building model where the goal is for the 17 behavior specialist to go in and to teach 18 some behavior strategies that then the school 19 team can replicate. And then to go in and 20 just provide coaching and training and 21 follow-up support at schools. 22       Q. The capacity building model you 23 mentioned, when was that implemented? 24       A. So that was implemented about 25 seven years ago, was when it started to be a</p>

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<p style="text-align: right;">Page 110</p> <p>1 capacity building model.  2 So the last three years, we  3 really focused on that capacity building  4 model and providing more professional  5 development and training.  6 Once the district went to  7 having our PLDs, or our professional learning  8 days, we had more opportunity to provide more  9 training and support in behavior strategies  10 and self-regulation techniques for our school  11 team.  12 MR. RICE: Let's mark as  13 Exhibit 7, tab 35A.  14 (Whereupon, TUSD-Salmon-7,  15 Board Certified Behavior Analyst  16 (BCBA), SM_TUSD_00564675-  17 SM_TUSD_00564676, was marked for  18 identification.)  19 BY MR. RICE:  20 Q. Exhibit 7 is a document  21 produced by TUSD with the Bates 00564675.  22 And, Dr. Salmon, this is a job  23 description for a board certified behavioral  24 analyst, correct?  25 A. Correct.</p>	<p style="text-align: right;">Page 112</p> <p>1 really looking at what it is that a student  2 is wanting more of or less of that's  3 contributing to their behavior.  4 So they would have that level  5 of expertise to really analyze the root cause  6 of the behavior and to provide interventions  7 and treatment suggestions to support that  8 behavior.  9 They could also supervise  10 registered behavior technicians. And so  11 these would be individuals who have  12 specialized behavior support to work directly  13 with students to reshape and support behavior  14 needs.  15 Q. You can set that aside.  16 A. Okay.  17 Q. For any of the positions in the  18 exceptional education department, does TUSD  19 track how those positions spend their time?  20 A. Yes, we do.  21 Q. What are the ways you track  22 their time?  23 A. So we have logs that  24 individuals track the time that they are  25 working on certain services. We have</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. So which position would this  2 fit under, if any, that we've been  3 discussing?  4 A. This does not fit under any  5 that we've discussed.  6 Q. So this isn't a position you  7 supervise?  8 A. Well, I would if we had anyone  9 in this role. We do not have anyone in this  10 role currently.  11 Q. Have you previously had someone  12 in that role during your tenure?  13 A. Yes, we have.  14 Q. And how long has it been vacant  15 for?  16 A. It has been vacant for about a  17 year and a half.  18 Q. And when the position of board  19 certified behavior analyst is filled, what  20 responsibilities does the position normally  21 have?  22 A. So a board behavior analyst  23 would have the ability to really dissect the  24 cause of the behavior. So they could do,  25 like, a functional behavior analysis, just</p>	<p style="text-align: right;">Page 113</p> <p>1 Desktop, which is our database that we use to  2 submit Medicaid claims. So individuals  3 submit services that they provide to students  4 in the Desktop database.  5 We also do, like, a time and  6 effort maintenance log. And so it's a  7 provision for our federal grant that  8 stipulates that an exceptional education  9 staff member should be spending the majority  10 of their time working on exceptional  11 education needs or with exceptional education  12 students. And so that's something that we  13 collect every six months from our staff  14 members.  15 Q. In the first part of your  16 answer you referred to logs that individuals  17 track the time that they are working on for  18 certain services.  19 A. Mm-hmm.  20 Q. Are those the same as the time  21 and effort logs or is there another type of  22 log as well?  23 A. That Desktop software or  24 database that I was referring to, that's one  25 place to keep it. The time and effort is</p>

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<p style="text-align: right;">Page 114</p> <p>1 different.</p> <p>2 Q. So there's the Desktop database</p> <p>3 for Medicaid claims.</p> <p>4 A. Yes.</p> <p>5 Q. The time and effort log,</p> <p>6 maintenance logs for the federal IDEA grants.</p> <p>7 A. Correct.</p> <p>8 Q. Are there any other ways that</p> <p>9 TUSD tracks how positions in the exceptional</p> <p>10 education department spend their time?</p> <p>11 A. Those are the ways that we</p> <p>12 specifically track. Like, individuals have</p> <p>13 calendars in Outlook where they would have</p> <p>14 information about their location or what kind</p> <p>15 of task that they are attending.</p> <p>16 Individuals go to PDs or they</p> <p>17 attend, like, meetings or collaborations or</p> <p>18 if they're on any kind of committees, so then</p> <p>19 we would have agendas or sign-in and sign-out</p> <p>20 for that information.</p> <p>21 We have an exceptional</p> <p>22 education log at all of our campuses. It's</p> <p>23 not necessarily tracking what an individual</p> <p>24 is doing, but it tracks when they go in and</p> <p>25 out of a school building.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Correct.</p> <p>2 Q. And then are the time and</p> <p>3 effort logs ultimately digitized or analyzed</p> <p>4 in any type of way?</p> <p>5 A. Yes. They get scanned and they</p> <p>6 get monitored. And it's, like, a compliance</p> <p>7 checkpoint. So it's either the individual is</p> <p>8 saying that they're spending the majority of</p> <p>9 their time in exceptional education for the</p> <p>10 six-month period, it's kind of a yes, no, or</p> <p>11 if no, like, what's going on and why aren't</p> <p>12 they?</p> <p>13 Q. So they're only monitored at</p> <p>14 that level of whether they're spending the</p> <p>15 majority of their time --</p> <p>16 A. Correct.</p> <p>17 Q. -- on exceptional education?</p> <p>18 A. Yes.</p> <p>19 Q. For the Desktop Medicaid</p> <p>20 database, have you ever analyzed that</p> <p>21 database to determine how much time the</p> <p>22 positions in the exceptional education</p> <p>23 department spend on different types of tasks?</p> <p>24 A. I get a statement from CSees,</p> <p>25 the third-party vendor that we use to submit</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. The individual Outlook</p> <p>2 calendars or meetings with professional</p> <p>3 development or committees, those aren't</p> <p>4 tracked in any type of aggregate manner,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And the exceptional education</p> <p>8 log at school campuses only tracks whether</p> <p>9 they enter and exit the campus; it doesn't</p> <p>10 track the tasks they perform while there?</p> <p>11 A. Correct.</p> <p>12 Q. For the Desktop database for</p> <p>13 Medicaid claims, where is that information</p> <p>14 stored?</p> <p>15 A. So that information is stored</p> <p>16 on a cloud. So we have individuals who have</p> <p>17 access to the platform, and then it's stored</p> <p>18 on the cloud.</p> <p>19 Q. And then the time and effort</p> <p>20 maintenance logs, where are those stored?</p> <p>21 A. Those are stored with our</p> <p>22 budget specialist in the exceptional</p> <p>23 education department. These are paper logs.</p> <p>24 Q. They're paper logs that</p> <p>25 individuals fill out on paper?</p>	<p style="text-align: right;">Page 117</p> <p>1 our Medicaid claims. And so I get a report</p> <p>2 quarterly that shows how much time is being</p> <p>3 spent on or submitted for billing on certain</p> <p>4 services.</p> <p>5 Q. And what types of breakdown</p> <p>6 services does that report provide?</p> <p>7 A. It would provide information</p> <p>8 about, like, minutes spent on speech therapy</p> <p>9 or minutes spent on counseling or minutes</p> <p>10 spent on, like, occupational therapy or</p> <p>11 physical therapy.</p> <p>12 Q. For the time and effort logs,</p> <p>13 have you ever analyzed those to determine how</p> <p>14 much time the positions in the exceptional</p> <p>15 education department spend on various types</p> <p>16 of tasks?</p> <p>17 MR. CUTLER: Object to form,</p> <p>18 it's vague.</p> <p>19 A. So those logs just tell the</p> <p>20 percentage of time. It doesn't tell, like,</p> <p>21 what other tasks. And it's just the -- the</p> <p>22 majority of time, 50% or more, yes. So it's</p> <p>23 a check yes and a signature. So it doesn't</p> <p>24 really itemize the exact percentage of time</p> <p>25 or what those tasks are.</p>

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<p style="text-align: right;">Page 118</p> <p>1 BY MR. RICE:</p> <p>2 Q. For both the Desktop database</p> <p>3 and the time and effort logs, do either of</p> <p>4 those sources include information on whether</p> <p>5 a staff member has spent time on issues</p> <p>6 related to social media?</p> <p>7 A. The time and effort log would</p> <p>8 not, no.</p> <p>9 The Desktop log would have more</p> <p>10 of a narrative on what the individual is</p> <p>11 spending time discussing with the student or</p> <p>12 supporting. So it's possible.</p> <p>13 Q. Have you ever analyzed the</p> <p>14 Desktop log to determine if it includes</p> <p>15 information on staff members' work with</p> <p>16 students on social media-related issues?</p> <p>17 A. No, I have not.</p> <p>18 Q. Are you aware of anyone who</p> <p>19 has?</p> <p>20 A. No, I am not.</p> <p>21 Q. Have you ever interviewed any</p> <p>22 staff member in the exceptional education</p> <p>23 department regarding the percentage of time</p> <p>24 they spend on various job functions?</p> <p>25 MR. CUTLER: Object to form.</p>	<p style="text-align: right;">Page 120</p> <p>1 the workload or the working hours that would</p> <p>2 not necessarily be accounted for or available</p> <p>3 in a report from the database.</p> <p>4 So we've had conversations</p> <p>5 about it. We don't really have a way to</p> <p>6 adequately track or monitor that.</p> <p>7 BY MR. RICE:</p> <p>8 Q. So those types of meetings and</p> <p>9 conversations you've had aren't documented</p> <p>10 anywhere?</p> <p>11 MR. CUTLER: Object to form.</p> <p>12 A. It's documented that we've had</p> <p>13 the meeting, so that is documented.</p> <p>14 As far as the outcome, that's</p> <p>15 still pending. We are going to have some</p> <p>16 follow-up meetings to come up with a better</p> <p>17 plan to monitor that data. Also, decide what</p> <p>18 we want to do about it.</p> <p>19 The purpose of that meeting had</p> <p>20 a little bit to do about, like, some staff</p> <p>21 members are feeling burned out or overworked,</p> <p>22 so they want to have another way to assess</p> <p>23 their compensation to see if it's been</p> <p>24 adequately provided.</p> <p>25 And so we were talking about,</p>
<p style="text-align: right;">Page 119</p> <p>1 A. I wouldn't call it an</p> <p>2 interview. I've certainly had meetings and</p> <p>3 discussions with individuals on the</p> <p>4 percentage of time that they've spent on</p> <p>5 responsibilities.</p> <p>6 I had a recent meeting with</p> <p>7 related service providers, so that meeting</p> <p>8 included speech and language clinicians. It</p> <p>9 included occupational therapists and physical</p> <p>10 therapists.</p> <p>11 And so we were talking about,</p> <p>12 like, a caseload versus a workload model,</p> <p>13 because I can go into the Synergy database</p> <p>14 and see their caseload. So I can see the</p> <p>15 number of students, the school sites that the</p> <p>16 students are at. I can even see the minutes</p> <p>17 per month of services that students are</p> <p>18 getting.</p> <p>19 And then our individuals talk</p> <p>20 about -- well, the workload. So even though</p> <p>21 you know the exact direct services, there are</p> <p>22 other things, like maybe phone calls or</p> <p>23 planning for meetings and preparation or</p> <p>24 material preparation. So just some other</p> <p>25 tasks of the job that are accounted for in</p>	<p style="text-align: right;">Page 121</p> <p>1 like how could we figure that out. And so</p> <p>2 we've had a student who is working on a</p> <p>3 calculator. There are some agencies that</p> <p>4 have calculators, but it's really hard to put</p> <p>5 all of the information in.</p> <p>6 For example, the Tucson Unified</p> <p>7 School District covers 150 miles. So if we</p> <p>8 have individuals who are traveling among</p> <p>9 regions or to several schools, then we have</p> <p>10 the travel time. We also have schools that</p> <p>11 have preschools and who may have students who</p> <p>12 have more needs. We have schools that may</p> <p>13 have specialized programs. And so the level</p> <p>14 of need of the student may be higher. Even</p> <p>15 though it's one student, it could still take</p> <p>16 more time.</p> <p>17 So those are ongoing</p> <p>18 conversations and negotiations that are</p> <p>19 happening.</p> <p>20 Q. And is the verbal feedback from</p> <p>21 staff members you receive in conversations</p> <p>22 documented anywhere?</p> <p>23 MR. CUTLER: Object to form.</p> <p>24 A. Most of the conversations are</p> <p>25 verbal. We have some meeting notes from the</p>

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<p style="text-align: right;">Page 122</p> <p>1 last two meetings that we've had.  2 BY MR. RICE:  3 Q. And other than those last two  4 meetings, is there any documentation of  5 conversations you've had with staff members  6 regarding the way they spend their time?  7 A. Other than those last two  8 meetings, we've had exceptional education  9 forums. So we've had two of those this year.  10 And so we have -- those conversations, we  11 have meeting notes from those public forums.  12 Q. And the first two meetings you  13 mentioned that related to staff burnout and a  14 workload allocation model, is there a name  15 that you'd attach to that type of meeting?  16 A. It's called related service  17 provider meeting.  18 Q. So that related service  19 provider meeting, did that include all staff  20 in the exceptional education department?  21 A. No. There was just  22 representatives from the different related  23 service providing groups.  24 Q. How many people attended?  25 A. Let's see. We had two speech</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. And you said you've had two of  2 those this year.  3 How often do you have those in  4 general?  5 A. In general, we have them once a  6 year. So they're usually annually at the end  7 of the year, usually around April. We had  8 one a little bit earlier this year because  9 there were some concerns about workload and  10 burnout. And so staff members were wanting  11 to meet a little earlier than usual.  12 Q. In general, from these  13 exceptional education staff forums, are there  14 meeting notes?  15 MR. CUTLER: Object to form.  16 A. So whenever we have the forum,  17 there are notes that individuals take. Our  18 last forum was a virtual forum, so there are  19 meeting notes from the Zoom.  20 BY MR. RICE:  21 Q. Other than the last forum with  22 the Zoom meeting notes, are there notes from  23 any other forums that you've held in your  24 time as director?  25 MR. CUTLER: Object to form.</p>
<p style="text-align: right;">Page 123</p> <p>1 and language pathologists. We had two  2 occupational therapists. One physical  3 therapist. A program coordinator. A  4 regional superintendent. Myself. And  5 someone from employee relations.  6 So roughly nine people.  7 Q. No social workers attended the  8 meeting?  9 A. Not that one, no.  10 Q. And no psychologists attended  11 the meeting?  12 A. No.  13 Q. And then you mentioned  14 exceptional education forums.  15 A. Mm-hmm. (Witness nods.)  16 Q. What are those?  17 A. So those are opportunities to  18 talk about, like, various aspects of the  19 exceptional education department, kind of the  20 initiatives, the goals, things that have been  21 worked on, things that are accomplished, next  22 steps.  23 It's an opportunity to get  24 feedback from staff members in the  25 exceptional education departments.</p>	<p style="text-align: right;">Page 125</p> <p>1 A. So not necessarily meeting  2 notes from the forum. There's, like, the  3 PowerPoint for the meeting. There's some  4 additional information or supporting  5 documents from the presentation. There could  6 be notes that individuals would have taken,  7 but not, like, formal notes like the virtual  8 one.  9 BY MR. RICE:  10 Q. On average, how many people  11 attend these forums?  12 A. On average, it's probably about  13 100 people.  14 Q. Is -- do all staff members in  15 the department attend these forums?  16 MR. CUTLER: Object to form.  17 A. So all employees are invited to  18 attend the forum, and so we have  19 representatives from the various groups  20 within the department.  21 We have a very large  22 department. We have, like, over 300  23 teachers, over 300 paraprofessionals. We  24 have about 70 speech and language clinicians.  25 We have about 30 school psychologists. About</p>

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<p style="text-align: right;">Page 126</p> <p>1 30 social workers. We have about 26  2 educational interpreters.  3 So we have a lot of people.  4 So, no, not everybody attends,  5 but we do have individuals who decide to  6 attend, it's optional to attend, from all of  7 our various groups of exceptional education  8 staff members.  9 BY MR. RICE:  10 Q. And these are only staff  11 members who attend the forum, they're not  12 open to the public, correct?  13 A. Correct.  14 Q. Other than the meetings and  15 forums we've just discussed, are there any  16 other ways you've received feedback from  17 staff members in the exceptional education  18 department regarding how they spend their  19 time?  20 MR. CUTLER: Object to the  21 form.  22 A. So other than formal meetings,  23 like, I see staff members, either, like, they  24 come by my office or my schools. They also  25 have communities of practice. Many of them</p>	<p style="text-align: right;">Page 128</p> <p>1 specifically. It did not specifically focus  2 on how they spent their time, but it was,  3 like, a recruitment and retention strategy.  4 So it asked them about things  5 that were going well. It also asked about  6 suggestions or things that could be improved.  7 So there were some rating scales on the  8 survey, and then also some opportunities for  9 comments.  10 BY MR. RICE:  11 Q. Other than that survey, you're  12 not aware of any survey of staff members in  13 the exceptional education department?  14 A. Other than that survey, and  15 there's an exit survey. Anytime an employee  16 is leaving, it comes through Human Resources.  17 And so that survey goes to staff members.  18 And so that survey data gets  19 reported to the state annually from  20 exceptional education members.  21 Q. Other than the different items  22 we just discussed, are you aware of any data  23 on how much time staff members in the  24 exceptional education department spend on  25 various job responsibilities?</p>
<p style="text-align: right;">Page 127</p> <p>1 meet monthly. They have groups, and so I  2 often go to their groups just to kind of say  3 thank you for the work that they do.  4 Sometimes I do, like, a welcome opening for  5 the group.  6 So I make a habit of going and  7 meeting with the school psychologists, our  8 speech and language clinicians, and our other  9 various groups. So I get information from  10 them at that point.  11 I have virtual office hours  12 once a month. And so we do have individuals  13 who come and share information about the time  14 that they spend on certain activities, and  15 they ask questions or they provide  16 information about concerns.  17 BY MR. RICE:  18 Q. Have you ever conducted any  19 formal survey of how members in the  20 exceptional education department spend their  21 time?  22 MR. CUTLER: Object to form.  23 A. So I personally have not  24 conducted a survey. Human Resources sent the  25 survey to exceptional education staff</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. CUTLER: Object to form.  2 A. Other than that data and just  3 kind of anecdotal information or from  4 conversations or discussion, those would be  5 the sources that I would have from how  6 they're spending their time.  7 BY MR. RICE:  8 Q. Let's talk a little further  9 about IEPs.  10 Are you familiar with TUSD's  11 records regarding student IEPs?  12 MR. CUTLER: Object to form,  13 it's vague.  14 A. Records? I'm familiar with  15 Synergy, the database where we keep IEP  16 records. I'm familiar with, like, the state  17 reporting of IEP records.  18 BY MR. RICE:  19 Q. And Synergy is a primary  20 location where IEP records are stored,  21 correct?  22 A. Correct.  23 Q. Are there any other locations?  24 A. Unless someone were to, like,  25 print a paper copy, that's our system, the</p>

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<p style="text-align: right;">Page 130</p> <p>1 database that they're created and housed in,  2 Synergy.  3 Q. And are 504 plans also housed  4 in Synergy?  5 A. Correct.  6 Q. Let's mark as Exhibit 8,  7 tab 40.  8 (Whereupon, TUSD-Salmon-8,  9 Native spreadsheet, was marked for  10 identification.)  11 BY MR. RICE:  12 Q. And this is just going to be on  13 the screen. It's an Excel.  14 A. Okay.  15 Q. And Exhibit 8 is a document  16 produced by TUSD with the Bates 00493945.  17 And, Dr. Salmon, is this a list  18 of IEP information -- or let me rephrase.  19 Dr. Salmon, is this a list of  20 different qualifying disabilities sorted by  21 grade level, number of students, and year?  22 MR. CUTLER: Object to form,  23 foundation.  24 A. Okay. I see the column with  25 the grade levels. I see the need</p>	<p style="text-align: right;">Page 132</p> <p>1 A. So just looking at the grade  2 level and looking at the number of identified  3 students, that's not typically the way that I  4 review the data. I typically look at it  5 holistically as, like, pre-K all the way up  6 through 12th grade. And so I typically  7 wouldn't look at grade levels specific with  8 the eligibility.  9 BY MR. RICE:  10 Q. And so you would look at the  11 total number of students who had a particular  12 qualifying disability across all grades  13 levels in the district?  14 A. Correct.  15 Q. Is there any other aggregate  16 data related to IEPs?  17 MR. CUTLER: Object to form,  18 it's vague.  19 A. So we have data that comes from  20 our Synergy database. And so any IEP-related  21 information would first be in Synergy before  22 it's in Desktop. And so those are the two  23 platforms that would have IEP-related data.  24 BY MR. RICE:  25 Q. And other than the grade level,</p>
<p style="text-align: right;">Page 131</p> <p>1 description, that is a list of primary  2 eligibilities. And then the number of  3 students.  4 BY MR. RICE:  5 Q. Would there be a separate  6 report in Synergy related to student IEPs?  7 MR. CUTLER: Object to form,  8 foundation.  9 A. So in Synergy, we had data  10 based on the individual students. So you can  11 put in a student's name, their student ID  12 number, you could pull information up that  13 way.  14 You could sort by school. So  15 you could look at all of the schools and  16 figure out, like, how many students have an  17 IEP at that campus. And then you can look at  18 the whole district.  19 So I see some numbers that look  20 a little different than I would imagine in  21 some of these areas.  22 BY MR. RICE:  23 Q. What looks different to you  24 than you would imagine?  25 MR. CUTLER: Object to form.</p>	<p style="text-align: right;">Page 133</p> <p>1 number of students, and the type of  2 qualifying disability, there's not any other  3 aggregate category of information available  4 in Synergy.  5 MR. CUTLER: Object to form.  6 A. The other categories of data  7 would be, like, the school. So you could  8 pull data by the school. You could pull data  9 based on, like, the case carrier. Those are  10 the teachers. You could pull data based on  11 the evaluator.  12 So you could pull data based  13 on, like, what's assigned to a school  14 psychologist or a speech and language  15 pathologist or occupational therapist or  16 physical therapist.  17 You could pull data based on  18 the services that a student gets in addition  19 to the eligibility category.  20 BY MR. RICE:  21 Q. So the data on the services a  22 student receives based on eligibility  23 category, that would be the aggregate number  24 of students who receive a particular service  25 like counseling or transportation or extended</p>



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<p style="text-align: right;">Page 134</p> <p>1 time?</p> <p>2 A. Correct.</p> <p>3 Q. And then the data all the way</p> <p>4 down to the case carriers, that would be data</p> <p>5 based on how many students a particular</p> <p>6 evaluator has evaluated or is otherwise</p> <p>7 dealing with?</p> <p>8 A. Yes. So that would be the</p> <p>9 number of students that that individual is</p> <p>10 servicing. You could also pull data with the</p> <p>11 number of minutes that are on the IEPs for</p> <p>12 each of the service providers.</p> <p>13 Q. And that would be the number of</p> <p>14 minutes a service provider spent on a</p> <p>15 particular IEP?</p> <p>16 A. Correct.</p> <p>17 Q. And if we read this</p> <p>18 spreadsheet, looking at the grade level and</p> <p>19 the disability, if you look at, for instance,</p> <p>20 row three, what that's saying is that in the</p> <p>21 2023 to 2024 school year, 33 students were</p> <p>22 diagnosed with autism in the district,</p> <p>23 correct?</p> <p>24 MR. CUTLER: Object to form.</p> <p>25</p>	<p style="text-align: right;">Page 136</p> <p>1 appears that it is saying that in the '23-'24</p> <p>2 school year, 33 students have a primary</p> <p>3 eligibility of autism, and these 33 students</p> <p>4 are kindergarteners.</p> <p>5 BY MR. RICE:</p> <p>6 Q. Do you have any data regarding</p> <p>7 whether any IEPs for TUSD students mentioned</p> <p>8 defendants' platforms?</p> <p>9 A. No, I do not.</p> <p>10 Q. Are you aware of any evaluation</p> <p>11 by TUSD concluding a student's qualifying</p> <p>12 disability was caused by social media?</p> <p>13 MR. CUTLER: Object to form.</p> <p>14 A. So any exceptional education</p> <p>15 evaluation would have information on what the</p> <p>16 disability is. It typically would not have</p> <p>17 information about the causing factor.</p> <p>18 So, no, I'm not aware of any</p> <p>19 information that would say social media was a</p> <p>20 causing factor of a disability.</p> <p>21 BY MR. RICE:</p> <p>22 Q. Are you aware of any student</p> <p>23 who has a diagnosis from a medical</p> <p>24 professional that one of the students is</p> <p>25 addicted to one of the defendants' platforms?</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MR. RICE:</p> <p>2 Q. 33 kindergartner students were</p> <p>3 diagnosed with autism in the district?</p> <p>4 MR. CUTLER: Object to form,</p> <p>5 foundation, misstates the document.</p> <p>6 A. So just based on how this</p> <p>7 document is reading, with the grade level,</p> <p>8 with the disability, and with the number of</p> <p>9 students, I'm reading it as in '23-'24, there</p> <p>10 were 33 kindergarteners with the eligibility</p> <p>11 of autism.</p> <p>12 It doesn't necessarily tell us</p> <p>13 when that eligibility was determined,</p> <p>14 although, because it is kindergarten, usually</p> <p>15 that is the first year.</p> <p>16 BY MR. RICE:</p> <p>17 Q. But you understand the</p> <p>18 spreadsheet to mean that in the 2023, 2024</p> <p>19 school year, there were 33 kindergarteners</p> <p>20 who had been determined to have, at some</p> <p>21 point in time, to have the qualifying</p> <p>22 disability of autism?</p> <p>23 MR. CUTLER: Object to the</p> <p>24 form, foundation.</p> <p>25 A. So based on the spreadsheet, it</p>	<p style="text-align: right;">Page 137</p> <p>1 A. I do not have any information</p> <p>2 noting any particular platforms for any kind</p> <p>3 of addiction from an outside provider. If</p> <p>4 there is something that says addiction, it</p> <p>5 would say something like technology. It</p> <p>6 wouldn't specifically say social media, and</p> <p>7 it would not typically say a platform.</p> <p>8 Q. Are you aware of any student</p> <p>9 who has a diagnosis from a medical</p> <p>10 professional that the student has a</p> <p>11 technology addiction?</p> <p>12 A. Yes.</p> <p>13 Q. Where is that information</p> <p>14 stored?</p> <p>15 MR. CUTLER: Object to the</p> <p>16 form.</p> <p>17 A. So that information would be</p> <p>18 stored in a narrative form of either the</p> <p>19 evaluation or the IEP for that student.</p> <p>20 BY MR. RICE:</p> <p>21 Q. That's not categorized at any</p> <p>22 type of aggregate level, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Have you ever analyzed the</p> <p>25 number of students who have been diagnosed</p>



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<p style="text-align: right;">Page 138</p> <p>1 with technology addiction?</p> <p>2 A. No, I have not.</p> <p>3 Q. Are you aware of any student</p> <p>4 who has a diagnosis from a medical</p> <p>5 professional that the student has attention</p> <p>6 issues because of the defendants' platforms?</p> <p>7 MR. CUTLER: Object to form.</p> <p>8 A. Yes, I am aware of students who</p> <p>9 have attention difficulties, not that would</p> <p>10 specifically say it's because of a platform.</p> <p>11 BY MR. RICE:</p> <p>12 Q. Are you aware of any student</p> <p>13 who has a diagnosis from a medical</p> <p>14 professional that they have sleep deprivation</p> <p>15 because of the defendants' platforms?</p> <p>16 A. No, I'm not.</p> <p>17 Q. Are you aware of any student</p> <p>18 who has a diagnosis from a medical</p> <p>19 professional that they have suicidal ideation</p> <p>20 because of the defendants' platforms?</p> <p>21 A. No.</p> <p>22 Q. Are you aware of any student</p> <p>23 who has a diagnosis from a medical</p> <p>24 professional that they have engaged in</p> <p>25 self-harm because of defendants' platforms?</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Are you aware of any student</p> <p>2 who has a diagnosis from a medical</p> <p>3 professional that the student developed</p> <p>4 anxiety because of the defendants' platforms?</p> <p>5 A. No, I am not.</p> <p>6 MR. RICE: Let's mark as</p> <p>7 Exhibit 9, tab 11.</p> <p>8 And Exhibit 9 is a document</p> <p>9 produced by TUSD with the Bates</p> <p>10 00230762.</p> <p>11 (Whereupon, TUSD-Salmon-9,</p> <p>12 Native PowerPoint deck,</p> <p>13 SM_TUSD_00230762, was marked for</p> <p>14 identification.)</p> <p>15 BY MR. RICE:</p> <p>16 Q. Dr. Salmon, did you prepare</p> <p>17 this presentation?</p> <p>18 A. This appears to be a PowerPoint</p> <p>19 dated February 1st of '23.</p> <p>20 MR. CUTLER: Take your time to</p> <p>21 review it before you dive into any</p> <p>22 questions.</p> <p>23 [Document review.]</p> <p>24 A. Okay.</p> <p>25</p>
<p style="text-align: right;">Page 139</p> <p>1 MR. CUTLER: Object to form.</p> <p>2 A. So, no, there wouldn't be a</p> <p>3 diagnosis for that. There could be, like, a</p> <p>4 crisis plan or a crisis intervention process</p> <p>5 or maybe a safety plan that might have that</p> <p>6 level of information. It would not be part</p> <p>7 of a diagnosis, no.</p> <p>8 BY MR. RICE:</p> <p>9 Q. Have you ever analyzed the</p> <p>10 number of crisis plans or crisis intervention</p> <p>11 processes that mentioned defendants'</p> <p>12 platforms?</p> <p>13 MR. CUTLER: Object to form.</p> <p>14 A. So I typically do not analyze</p> <p>15 the crisis plans at a global level. It's</p> <p>16 usually an individual student level. So, no,</p> <p>17 I have not.</p> <p>18 BY MR. RICE:</p> <p>19 Q. Are you aware of any student</p> <p>20 who has a diagnosis from a medical</p> <p>21 professional that the student became</p> <p>22 depressed because of the defendants'</p> <p>23 platforms?</p> <p>24 A. No, I am not aware of</p> <p>25 depression being because of a platform. No.</p>	<p style="text-align: right;">Page 141</p> <p>1 BY MR. RICE:</p> <p>2 Q. Have you seen this document</p> <p>3 before, Dr. Salmon?</p> <p>4 A. Yes, I have.</p> <p>5 Q. Did you prepare it?</p> <p>6 A. Yes, I did.</p> <p>7 Q. What was the purpose of the</p> <p>8 presentation?</p> <p>9 A. This presentation was an update</p> <p>10 on the condition of the exceptional education</p> <p>11 department. Just information of any</p> <p>12 concerns, and then also challenges, staffing,</p> <p>13 and some ideas about how to move forward. It</p> <p>14 also gave an opportunity to get feedback from</p> <p>15 colleagues regarding these concerns.</p> <p>16 Q. And who was the presentation</p> <p>17 for?</p> <p>18 A. And so this was presented to</p> <p>19 our academic leadership team. That includes,</p> <p>20 like, our superintendent, our regional</p> <p>21 superintendents, my supervisor, the assistant</p> <p>22 superintendent of curriculum instruction, as</p> <p>23 well as some other district-level directors.</p> <p>24 This was also presented to</p> <p>25 principals at ALAI, so our leadership</p>

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<p style="text-align: right;">Page 142</p> <p>1 training for principals.  2 This was also shared with  3 assistant directors and the leadership in the  4 exceptional education department.  5 This information was also  6 shared with other Ex Ed staff members, just  7 to also get their feedback.  8 Q. Could you turn to slide 5?  9 It's titled Exceptional Education Students in  10 TUSD SY 21-22.  11 A. Okay.  12 Q. Dr. Salmon, this slide shows  13 the number of students in TUSD by different  14 disability categories for the 2021-2022  15 school year, correct?  16 A. Correct.  17 Q. And so in the 2021 to 2022  18 school year, 501 students had the primary  19 qualifying disability of autism, correct?  20 A. Yes, correct.  21 Q. And when you see the percentage  22 there, that's the percentage of the total  23 number of students the exceptional education  24 department serves that had this as their  25 primary disability, correct?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Are you aware of any data  2 regarding TUSD students' use of social media?  3 A. No, I'm not.  4 Q. Are you aware of any data  5 regarding the time TUSD students spend using  6 social media?  7 A. No, I'm not.  8 Q. Are you aware of any data  9 regarding which applications students use?  10 A. No, I'm not.  11 Q. Are you aware of any data on  12 how much time TUSD students spend using  13 social media for an educational purpose?  14 A. No, I'm not.  15 Q. Are you aware of any data on  16 which features of social media platforms TUSD  17 students use?  18 A. No, not data.  19 Q. Are you aware of any data  20 regarding the time TUSD students spend on  21 different applications on their phones?  22 MR. CUTLER: Object to form,  23 asked and answered.  24 A. Data that -- applications on  25 their phones? No.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. Correct.  2 Q. And 442 students had  3 developmental delay.  4 A. Correct.  5 Q. 454 students had intellectual  6 disability.  7 A. Yes.  8 Q. 2,243 students had a specific  9 learning disability.  10 A. Correct.  11 Q. And 941 had a speech or  12 language impairment?  13 A. Correct.  14 MR. RICE: We can go off the  15 record.  16 THE VIDEOGRAPHER: We are going  17 off record. The time is 10:44.  18 (Recess taken, 10:44 a.m. to  19 11:01 a.m. MST)  20 THE VIDEOGRAPHER: We are going  21 back on the record. The time is  22 11:01.  23 BY MR. RICE:  24 Q. Welcome back, Dr. Salmon.  25 A. Thank you.</p>	<p style="text-align: right;">Page 145</p> <p>1 BY MR. RICE:  2 Q. Are you aware of any data  3 regarding how much time TUSD students spend  4 sending text messages?  5 A. No.  6 Q. Are you aware of any data  7 regarding how much time TUSD students spend  8 streaming content?  9 A. No.  10 Q. Are you aware of any data  11 regarding how much time TUSD students spend  12 playing video games?  13 A. No.  14 Q. Are you aware of any data  15 regarding the effects of video games on TUSD  16 students?  17 MR. CUTLER: Object to form.  18 A. Not necessarily data on that  19 information. Certainly there's -- sometimes  20 there's conversations or communications about  21 concerns regarding the impacts. Sometimes  22 there's something that happens, whether it's  23 after school or on the weekends, and then  24 parents may call or principals may call or  25 schedule a meeting to discuss something</p>

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<p style="text-align: right;">Page 146</p> <p>1 that's happened that's had a negative impact 2 on students. 3 BY MR. RICE: 4 Q. Parents have expressed concerns 5 to you that video games might have a negative 6 impact on TUSD students? 7 MR. CUTLER: Object to form. 8 A. Their student in particular, as 9 an individual student from a parent. 10 BY MR. RICE: 11 Q. Have you ever installed time 12 tracking software to track the time students 13 spend in applications on their phones? 14 MR. CUTLER: Object to form. 15 A. No, I have not. I don't have 16 access to students' phones. 17 BY MR. RICE: 18 Q. And you don't know of anyone at 19 TUSD who does have access to students' 20 phones, correct? 21 A. No, I do not. 22 Q. Are you aware of any survey of 23 TUSD parents about the effects of social 24 media? 25 A. Not directly. There is a</p>	<p style="text-align: right;">Page 148</p> <p>1 BY MR. RICE: 2 Q. And Exhibit 6 [sic] are TUSD 3 Second Amended Answers to Defendants' 4 Interrogatories, Set 3. 5 Dr. Salmon, if you turn to the 6 back of this document, you'll see there is a 7 chart. 8 There's one chart that has 9 Specialist Counselor in the top left corner, 10 and then on the next page is a chart that has 11 school year, position, 2023. ES teachers is 12 in the top left corner. 13 Do you see that? 14 A. Just a moment. 15 Okay. Yes. 16 Q. Are you familiar with either of 17 those charts? 18 [Document review.] 19 A. So I am seeing the year. It 20 appears ES may mean elementary school, middle 21 school. I am not familiar with this chart, 22 no. 23 BY MR. RICE: 24 Q. Okay. And let's go to the page 25 right before that that starts with Specialist</p>
<p style="text-align: right;">Page 147</p> <p>1 parent survey that goes out annually. I 2 don't think anything directly related to 3 social media is a question on there. 4 Q. Are you aware of any survey of 5 TUSD parents about the amount of time their 6 children spend online? 7 A. I wouldn't say that there's a 8 survey, but there's information that comes 9 from parents of feedback about the amount of 10 screen time that their students have. 11 Q. And that's anecdotal 12 information? 13 A. Correct. 14 Q. Are you aware of any survey of 15 TUSD parents about how much time their 16 children spend on cell phones? 17 A. No. 18 Q. Let's mark as Exhibit 10, 19 tab 6. 20 (Whereupon, TUSD-Salmon-10, 21 Plaintiff's Second Amended Answers to 22 Defendants' Interrogatories to Tucson 23 Unified School District (Set 3), was 24 marked for identification.) 25</p>	<p style="text-align: right;">Page 149</p> <p>1 Counselor. 2 A. Okay. 3 Q. Have you ever seen this chart 4 before? 5 A. Yes. This looks familiar. 6 Q. When was the first time you saw 7 this chart? 8 A. The first time I saw this chart 9 was school year 2021. 10 Q. What was the context in which 11 you saw this chart? 12 MR. CUTLER: Object to form, 13 vague. 14 A. Context. Are you referring to, 15 like, purpose or... 16 BY MR. RICE: 17 Q. Right. And was it this chart 18 in particular or a different chart? 19 A. This information, this data in 20 the chart, I recall seeing this with the 21 budget for exceptional education. 22 Q. Have you seen this exact chart 23 before? 24 A. I do not recall seeing this 25 exact chart.</p>

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<p style="text-align: right;">Page 150</p> <p>1 Q. And there's a column with the</p> <p>2 weight that -- with weight that lists certain</p> <p>3 percentages.</p> <p>4 A. Yes.</p> <p>5 Q. You haven't seen that column</p> <p>6 before, then, either, correct?</p> <p>7 A. That does not look familiar.</p> <p>8 Q. So based on our prior</p> <p>9 discussions, you supervise the positions of</p> <p>10 social worker, psychologists, behavior</p> <p>11 intervention specialists in the exceptional</p> <p>12 education department, Ex Ed intervention</p> <p>13 specialists, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Do you supervise any of the</p> <p>16 other positions listed on this chart?</p> <p>17 A. Specialist counselor, no.</p> <p>18 Social worker psychologist, yes. School</p> <p>19 counseling intern, no. Psychology</p> <p>20 intern/extern, yes. Psychologist, yes.</p> <p>21 We do have one access nurse. I</p> <p>22 don't know if that is this person. But, of</p> <p>23 course, we have our health department that</p> <p>24 has other nurses, you know, health</p> <p>25 assistants. Exit intervention specialist,</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Past month?</p> <p>2 A. So, again, like, I hadn't seen</p> <p>3 this particular chart, like, the different</p> <p>4 roles that I have referred to. I was</p> <p>5 consulted about, like, the percentages of</p> <p>6 time or information about those roles. It</p> <p>7 would have been more than a month.</p> <p>8 Q. Do you know how the percentages</p> <p>9 were chosen?</p> <p>10 A. I do not know exactly how the</p> <p>11 percentages were chosen. I do know that I</p> <p>12 was asked some questions about the amount of</p> <p>13 time that these individuals are spent on,</p> <p>14 like, social and emotional needs, on behavior</p> <p>15 concerns, technology, social media-related</p> <p>16 concerns, that part of their job role.</p> <p>17 Q. Did you chose the percentages?</p> <p>18 A. I gave input on the information</p> <p>19 that seems to be reflected in the</p> <p>20 percentages.</p> <p>21 Q. You didn't estimate the</p> <p>22 percentages, though?</p> <p>23 MR. CUTLER: Object to form.</p> <p>24 A. Well, I estimated information</p> <p>25 based on the questions that I was asked about</p>
<p style="text-align: right;">Page 151</p> <p>1 yes. Outside behaviors intervention</p> <p>2 specialist, yes. Behavior specialists, yes.</p> <p>3 So that's all yes.</p> <p>4 Q. You don't supervise restorative</p> <p>5 practice facilitators, correct?</p> <p>6 A. No. Correct.</p> <p>7 Q. And for any of these positions,</p> <p>8 were you consulted in whether to list any of</p> <p>9 these positions to this chart?</p> <p>10 A. I was consulted about social</p> <p>11 workers, psychologists, psychologists</p> <p>12 interns/externs, and behavioral specialists</p> <p>13 and behavior intervention specialists, yes.</p> <p>14 Q. When were you first consulted</p> <p>15 regarding those positions?</p> <p>16 A. I don't recall an exact date.</p> <p>17 Whatever date that I was first communicated</p> <p>18 with about information regarding the</p> <p>19 exceptional education department and roles.</p> <p>20 Q. Did you suggest that TUS --</p> <p>21 were you first consulted on this chart within</p> <p>22 the past week?</p> <p>23 A. No.</p> <p>24 Q. Past two weeks?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 153</p> <p>1 the particular roles in the exceptional</p> <p>2 education department.</p> <p>3 BY MR. RICE:</p> <p>4 Q. Who first suggested that the</p> <p>5 percentage for social worker master's should</p> <p>6 be 60%?</p> <p>7 A. I did.</p> <p>8 Q. You did?</p> <p>9 A. Mm-hmm. (Witness nods.)</p> <p>10 Q. And is that true for the other</p> <p>11 positions that you supervised, that you first</p> <p>12 suggested the percentage associated with each</p> <p>13 of those positions?</p> <p>14 A. That's correct.</p> <p>15 Q. Who first suggested that the</p> <p>16 positions you supervise should be included in</p> <p>17 this chart?</p> <p>18 MR. CUTLER: Object to form.</p> <p>19 A. So when I first received a</p> <p>20 request about the roles that I supervise that</p> <p>21 are potential roles, I suggested the social</p> <p>22 worker and the various levels of social</p> <p>23 worker, as well as the psychologist roles,</p> <p>24 including the behavior roles, because that is</p> <p>25 one of the primary functions of the jobs of</p>

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<p style="text-align: right;">Page 154</p> <p>1 those individuals.</p> <p>2 BY MR. RICE:</p> <p>3 Q. So were you asked --</p> <p>4 MR. CUTLER: I'm going to</p> <p>5 object to attorney-client privilege to</p> <p>6 whatever that question is going to be.</p> <p>7 BY MR. RICE:</p> <p>8 Q. What do you understand these</p> <p>9 percentages to represent?</p> <p>10 A. I understand these percentages</p> <p>11 to represent the amount of time that</p> <p>12 individual staff members are spent on</p> <p>13 behavior concerns, social-emotional concerns,</p> <p>14 behavior or social-emotional concerns that</p> <p>15 are connected to technology, that are</p> <p>16 connected to emotional disturbances,</p> <p>17 emotional disabilities, or other health</p> <p>18 impairments that have a connection to a</p> <p>19 mental health component.</p> <p>20 Q. Do you understand these</p> <p>21 percentages to be specifically connected to</p> <p>22 defendants' platforms?</p> <p>23 A. Not specifically connected.</p> <p>24 These are more of, like, mental health</p> <p>25 concerns that students are experiencing and</p>	<p style="text-align: right;">Page 156</p> <p>1 tab 7.</p> <p>2 (Whereupon, TUSD-Salmon-11,</p> <p>3 Declaration of Dr. Sabrina Salmon, was</p> <p>4 marked for identification.)</p> <p>5 BY MR. RICE:</p> <p>6 Q. And Exhibit 11 is the</p> <p>7 Declaration of Dr. Sabrina Salmon.</p> <p>8 A. Okay.</p> <p>9 Q. And, Dr. Salmon, this is a</p> <p>10 declaration you signed in this case, correct?</p> <p>11 [Document review.]</p> <p>12 A. Yes, that's correct.</p> <p>13 BY MR. RICE:</p> <p>14 Q. And you signed it under penalty</p> <p>15 of perjury?</p> <p>16 A. Correct.</p> <p>17 Q. Did you write this declaration?</p> <p>18 A. I wrote this declaration in</p> <p>19 collaboration with counsel, legal counsel.</p> <p>20 Q. Who wrote the first draft of</p> <p>21 the declaration?</p> <p>22 MR. CUTLER: Object to form.</p> <p>23 A. So I did receive some</p> <p>24 information on the different categories for</p> <p>25 the different sections of this document.</p>
<p style="text-align: right;">Page 155</p> <p>1 staff members, the amount of time that</p> <p>2 they're spending supporting students in those</p> <p>3 areas.</p> <p>4 Q. So this would include mental</p> <p>5 health concerns related to supporting</p> <p>6 students' disabilities?</p> <p>7 MR. CUTLER: Object to form,</p> <p>8 misstates testimony.</p> <p>9 A. So this would include, like,</p> <p>10 whatever mental health concern or counseling</p> <p>11 that a student has.</p> <p>12 BY MR. RICE:</p> <p>13 Q. Including incidents relating to</p> <p>14 their underlying qualifying disability?</p> <p>15 A. Yes.</p> <p>16 Q. Let's go to the next page of</p> <p>17 this chart.</p> <p>18 Were you consulted on the</p> <p>19 positions listed on this chart?</p> <p>20 A. No, I was not.</p> <p>21 Q. Were you consulted in the</p> <p>22 weights assigned to the positions on this</p> <p>23 chart?</p> <p>24 A. No, I was not.</p> <p>25 Q. Let's mark as Exhibit 11,</p>	<p style="text-align: right;">Page 157</p> <p>1 BY MR. RICE:</p> <p>2 Q. So counsel authored the first</p> <p>3 draft of the declaration?</p> <p>4 MR. CUTLER: Object to form,</p> <p>5 foundation, misstates the testimony.</p> <p>6 A. Yes.</p> <p>7 BY MR. RICE:</p> <p>8 Q. When did you first see a draft</p> <p>9 of the declaration?</p> <p>10 A. Roughly two weeks ago.</p> <p>11 Q. Did you make any edits to the</p> <p>12 draft you received?</p> <p>13 A. Yes.</p> <p>14 Q. What changes did you make?</p> <p>15 A. Let's see. So I typed in my</p> <p>16 name. I typed in the information regarding</p> <p>17 my education and my bachelor's degree from</p> <p>18 Winthrop University, my master's from Pacific</p> <p>19 Lutheran University, and my doctorate from</p> <p>20 Capella.</p> <p>21 I typed in the amount of</p> <p>22 experience that I have working in the K-12</p> <p>23 education setting.</p> <p>24 I typed in my title of senior</p> <p>25 director with the dates of employment.</p>

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<p style="text-align: right;">Page 158</p> <p>1 I typed in information about my 2 previous role as assistant director, as well 3 as the role as principal. 4 I included information about my 5 position as senior director with providing 6 the mentorship and coaching of the five 7 assistant directors and the 20 additional 8 staff members. 9 I put information about the 10 conflict resolution professional development. 11 Then information about the special education 12 state panel that I advised through the 13 Department of Education, as well as the 14 collaboration with Pima County 15 Superintendent's office. 16 I added information about the 17 various social work and school psychologists, 18 as well as behavior team members that I 19 supervise. 20 Let's see. I added information 21 about the staff meetings with the IEPs, the 22 504 information. 23 I added information about the 24 students that we support that have social and 25 behavior goals, and that are having a</p>	<p style="text-align: right;">Page 160</p> <p>1 preferred activity, such as using social 2 media, and the connection to a formal 3 behavior plan. And these are behavior plans 4 that I typically see in an IEP or a 504 plan. 5 Let's see. I added information 6 about some fake social media accounts. 7 I added information about the 8 increase of anxiety in students struggling to 9 maintain social connection with peers and 10 adults, and seeing more suicidal ideation and 11 self-injurious behaviors. 12 I added information about the 13 changes in the issues that I've seen since 14 being an assistant director or overseeing the 15 assistant directors and the program 16 coordinators, social workers, school 17 psychologists, behavior specialists, and 18 instructional specialists. 19 Information about bullying and 20 harassment. 21 Let's see. Information about 22 encouraging fights, physical aggression, and 23 antisocial behaviors. 24 Information about more property 25 damage to district property, as well as</p>
<p style="text-align: right;">Page 159</p> <p>1 negative influence on their community 2 situations and school. 3 I also added information about 4 that there's a substantial amount of time 5 that our social workers, school 6 psychologists, exceptional education 7 teachers, and paraprofessionals are spending 8 with students who have concerns with social 9 media impacts. 10 I put information about seeing 11 a growing concern with the addictive, 12 compulsive, and problematic use among 13 students. 14 I put in information about some 15 concerns regarding prolonged screen time. I 16 also put information about during the eight 17 years I've noticed an increase in students 18 engaging in platforms. 19 Let's see. Also, I added 20 information about the last four years, 21 specifically information about students 22 becoming more physically aggressive when 23 using first-then charts. 24 I put information about 25 students struggling with switching from a</p>	<p style="text-align: right;">Page 161</p> <p>1 increased discipline. 2 I added information about the 3 various roles that I oversee, the assistant 4 directors, program coordinators, social 5 workers, school psychologists, behavior 6 specialists, instructional specialists, and 7 just more requests to provide services 8 because students are engaging in more 9 disruptive behaviors in the educational 10 environment. 11 And engaging in behaviors to 12 escape from the classroom, and focusing on 13 completing academic tasks and increasing 14 requests for counseling and related services. 15 Also, the need for more 16 specialized support, such as hiring 17 registered behavior technicians. That's 18 something new that we've seen an increase in 19 the last two years. 20 And then, the collaboration 21 with the student relations department and 22 school safety regarding bullying, school 23 threats, and the code of conduct. 24 Also, the time that assistant 25 directors, program coordinators, social</p>

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<p style="text-align: right;">Page 162</p> <p>1 workers, school psychs, behavior specialists,  2 and instructional specialists spend just in  3 an overall social media-related impacts on  4 the behavior.  5 Again, the number of teachers,  6 paraprofessionals, social workers, and school  7 psych combined, roughly the amount of time  8 that they are spending responding to behavior  9 plans and emotional regulation needs for  10 students.  11 And then, there's the  12 information about the percentages that the  13 various social workers are spending with  14 their time, and then that comparison to going  15 back to 2016 to 2017.  16 Q. And those, the percentages --  17 MR. CUTLER: I'm not sure that  18 she's done.  19 Are you done?  20 A. Oh, not yet. I have the back  21 here.  22 MR. CUTLER: Okay.  23 A. So then, kind of the cause of  24 the percentages of time, just taking a look  25 at how that's minimizing time from</p>	<p style="text-align: right;">Page 164</p> <p>1 percentages listed a percentage you had  2 previously chosen in connection with  3 Exhibit 10?  4 [Document review.]  5 A. Yes. 60% social workers,  6 clinical social workers, 80%, yes. 75%, yes.  7 50% for social workers.  8 Yes, that seems in line.  9 BY MR. RICE:  10 Q. And then, for paragraph 17, is  11 your estimate of the hours a day spent  12 specific to the time spent on defendants'  13 platforms?  14 A. Not specifically to defendants'  15 platforms, no.  16 Q. And so that three hours a day  17 includes the time spent on student emotion  18 regulation needs more generally?  19 MR. CUTLER: Object to form,  20 misstates testimony.  21 You can answer.  22 A. So the three hours a day would  23 be disability specific needs. Could be  24 social-emotional skill development, student  25 self-regulation. So a variety of different</p>
<p style="text-align: right;">Page 163</p> <p>1 establishing systems and promoting that  2 academic growth and development.  3 And then, less time on the  4 classroom observations, the staff feedback,  5 analyzing of the progress and future needs of  6 students and staff.  7 And then, the majority of the  8 day, just really being dedicated to  9 intervention and some social media-related  10 matters.  11 And just that increased time  12 would be preferred to be spent on inclusive  13 practices and academic needs, as well as the  14 specific disability influenced needs that are  15 in the IEPs.  16 We just want -- our team would  17 like to have more time with celebrations and  18 going to performances and just having that  19 aspect and that connection with students, our  20 school communities, and our parents.  21 So, yes, those are the things  22 that I added.  23 BY MR. RICE:  24 Q. Thank you.  25 In paragraph 18, are the</p>	<p style="text-align: right;">Page 165</p> <p>1 skills that are behavioral based.  2 BY MR. RICE:  3 Q. And they're tied to the  4 student's qualifying disability?  5 A. Yes. Correct.  6 Q. Did you review any documents  7 before signing this declaration?  8 A. Any documents?  9 Q. Any other documents?  10 A. Any other documents? No, no  11 other documents. No.  12 Q. Other than counsel, are you  13 aware whether anyone else reviewed the  14 declaration prior to you signing?  15 A. No, I'm not aware of anybody  16 else reviewing it prior to signing it.  17 Q. Did you review any documents  18 when estimating the percentages listed in  19 paragraph 18?  20 [Document review.]  21 A. No specific documents were  22 reviewed.  23 BY MR. RICE:  24 Q. Did you conduct any interviews  25 relating to those percentages?</p>

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<p style="text-align: right;">Page 166</p> <p>1 MR. CUTLER: Object to form.</p> <p>2 A. I have previously conducted</p> <p>3 interviews or, like, anecdotal data from</p> <p>4 speaking to these individuals, either, like,</p> <p>5 at a committee meeting or with the related</p> <p>6 service provider group or other opportunities</p> <p>7 to interact. I did not conduct a specific</p> <p>8 interview for this purpose, no.</p> <p>9 BY MR. RICE:</p> <p>10 Q. Other than counsel, did you</p> <p>11 consult with anyone else in estimating the</p> <p>12 percentages in paragraph 18?</p> <p>13 A. Other than counsel and</p> <p>14 anecdotal information that I have from</p> <p>15 previous conversations with these direct</p> <p>16 service providers, no, I didn't consult with</p> <p>17 anybody else.</p> <p>18 Q. Did you send out any surveys</p> <p>19 related to the percentages listed in</p> <p>20 paragraph 18?</p> <p>21 A. No, I did not.</p> <p>22 Q. Did you analyze any data when</p> <p>23 estimating the percentages listed in</p> <p>24 paragraph 18?</p> <p>25 A. I did look at the number of</p>	<p style="text-align: right;">Page 168</p> <p>1 BY MR. RICE:</p> <p>2 Q. And prior to 2020 -- or prior</p> <p>3 to when you became the principal at Mary</p> <p>4 Meredith, you were assistant director of</p> <p>5 exceptional education, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Did you conduct any research to</p> <p>8 inform your opinions for that time period?</p> <p>9 MR. CUTLER: Object to form.</p> <p>10 A. It would be similar information</p> <p>11 that's housed in Synergy about the number of</p> <p>12 students that qualify under each eligibility</p> <p>13 of disability, and then also the number of</p> <p>14 minutes of their IEPs that's housed in</p> <p>15 Synergy.</p> <p>16 BY MR. RICE:</p> <p>17 Q. Did you consult Synergy when</p> <p>18 estimating these percentages?</p> <p>19 MR. CUTLER: Object to form,</p> <p>20 asked and answered.</p> <p>21 A. So Synergy is a database, so I</p> <p>22 did review information that was contained in</p> <p>23 Synergy about this information.</p> <p>24 BY MR. RICE:</p> <p>25 Q. And you reviewed the number of</p>
<p style="text-align: right;">Page 167</p> <p>1 students that have either a behavior goal or</p> <p>2 counseling minutes in IEP.</p> <p>3 Q. And that information is stored</p> <p>4 in Synergy?</p> <p>5 A. Correct.</p> <p>6 Q. And the behavioral goals or</p> <p>7 counseling minutes are not specific to</p> <p>8 defendants' platforms, correct?</p> <p>9 A. Correct.</p> <p>10 Q. From paragraph -- the -- excuse</p> <p>11 me.</p> <p>12 The percentages in paragraph 18</p> <p>13 cover the time period from 2016 to the</p> <p>14 present, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And from 2019 to 2020, you were</p> <p>17 not a director of exceptional education,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Did you conduct any research to</p> <p>21 inform your opinions for that school year?</p> <p>22 MR. CUTLER: Object to form.</p> <p>23 A. So not specifically for that</p> <p>24 school year, no.</p> <p>25</p>	<p style="text-align: right;">Page 169</p> <p>1 students with behavioral plans, the number of</p> <p>2 minutes relating to counseling IEPs, correct?</p> <p>3 A. Yes, the number of students</p> <p>4 with emotional disability as a primary</p> <p>5 eligibility.</p> <p>6 Q. And by emotional disability,</p> <p>7 you're referring to the emotional disturbance</p> <p>8 category?</p> <p>9 A. Correct.</p> <p>10 Q. Were there any other categories</p> <p>11 of disability you consulted?</p> <p>12 A. Other health impairment is</p> <p>13 another category that also pulls minutes that</p> <p>14 are counseling minutes if a student does have</p> <p>15 that.</p> <p>16 Q. And the qualifying disability</p> <p>17 of emotional disability is not specific to</p> <p>18 defendants' platforms, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And the qualifying disability</p> <p>21 of other health impairments is not specific</p> <p>22 to defendants' platforms either, correct?</p> <p>23 A. Correct.</p> <p>24 Q. If you -- let's -- I want to</p> <p>25 focus on paragraph 6.</p>

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<p style="text-align: right;">Page 170</p> <p>1 In paragraph 6 you refer to 2 social workers, correct? 3 A. Correct. 4 Q. The work of the social workers 5 at TUSD is not limited to social media, 6 correct? 7 MR. CUTLER: Objection to the 8 form. 9 A. Correct. 10 BY MR. RICE: 11 Q. And the work of psychologists 12 at TUSD is not limited to social media, 13 correct? 14 A. That is correct. 15 Q. And the work of the behavior 16 team is not limited to social media, correct? 17 A. That is correct. 18 Q. In paragraph 8, you reference 19 parent and student reports, correct? 20 A. Correct. 21 Q. Did you review any parent or 22 student reports before signing this 23 declaration? 24 A. I did not review any parent or 25 student reports. I did go off of some</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. With respect to the student who 2 has autism and the issue with screen time, 3 that would be any screen time, correct? 4 A. Yes. 5 MR. CUTLER: Object to the 6 form. 7 A. Well, just using a 8 technological device and the screen time on 9 that device is what I'm referring to. 10 BY MR. RICE: 11 Q. So that would include playing 12 video games on a device? 13 MR. CUTLER: Object to form. 14 A. That could include playing 15 video games. So I'm specifically referring 16 to, like, screen time that's provided at 17 school for this particular student, although 18 at home, I'm not sure what other screen time 19 there is. 20 BY MR. RICE: 21 Q. Do you mean screen time 22 provided at school on TUSD-issued devices? 23 A. Correct. 24 Q. Did you conduct any numerical 25 analysis of parent or student reports before</p>
<p style="text-align: right;">Page 171</p> <p>1 anecdotal information that I received from 2 various parents. 3 We had one student in 4 particular who has autism, and the student is 5 very fixated on anything that has a screen or 6 a device. And so the student has been 7 experiencing some significant sleep 8 deprivation and dysregulation in the sleep 9 cycle. 10 And so we have hired an, 11 registered behavior technician, to really 12 support this student throughout the school 13 day. And so the parents just support -- and 14 report a lot of sleep deprivation and over 15 fixation on devices or screen time. 16 We also notice that at school. 17 We see a lot of elopement, which is kind of 18 running from nonpreferred tasks of the 19 student whenever there is no access to a 20 device. 21 And so I have had a few 22 students who have brought in concerns related 23 to that aspect, not specifically related to a 24 platform, but more technology-based sleep 25 disturbance.</p>	<p style="text-align: right;">Page 173</p> <p>1 signing this declaration? 2 MR. CUTLER: Object to form. 3 A. So I reviewed anecdotal data, 4 just kind of looking at meetings that I've 5 had with parents. 6 And so it's a very significant 7 or severe concern when I become aware of 8 those happening with students. Because, 9 typically, if it's a behavior concern or 10 other need, it's usually addressed by, like, 11 a school psychologist or a social worker or a 12 teacher or maybe an assistant director. 13 So I was going off the feedback 14 and the information that I have from specific 15 parents who have reached out to me or I've 16 been in meetings with or I've communicated 17 with. 18 BY MR. RICE: 19 Q. When you say you reviewed 20 anecdotal data, did you review any 21 documentation or did you just recall over 22 your working career? 23 A. Just recollection over my 24 working career with parents. I do have one 25 parent at a high school who reached out</p>

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<p style="text-align: right;">Page 174</p> <p>1 recently, just about some negative 2 interactions of a high school student who is 3 in high school for the first year. 4 And so the student has had a 5 very hard time forming peer relationships and 6 making friends at the high school. And so 7 the parent just reached out about how the 8 student was engaging in social media with the 9 students in order to befriend them. And so 10 these students also happened to be in, like, 11 a drama class together. 12 And so the student was really 13 having a hard time distinguishing, like, 14 what's happening in realtime in the drama 15 class, versus being just on the school 16 campus, as well as what's happening in the 17 social media platform. 18 And so that just resulted in an 19 issue with some cyberbullying that was 20 happening with this student. 21 And then, also, just conveying 22 information that revealed the student's 23 disability status on social media. 24 So we've had some additional 25 social work support available for this</p>	<p style="text-align: right;">Page 176</p> <p>1 resolved. And then we don't really get into 2 the specifics. 3 There's a couple of instances 4 it's been ongoing and escalating. And so 5 there have been follow-up reports, either 6 from the parents or from the students, about 7 what's been happening. 8 BY MR. RICE: 9 Q. So for the majority of students 10 with disabilities, you're not familiar with 11 what platform, if any, they're using? 12 MR. CUTLER: Object to form. 13 A. Right. So for the majority of 14 students with disabilities, I have no 15 interaction or information on the platforms 16 that they're using, unless they are using 17 something that is an application that is 18 provided on a TUSD device. 19 BY MR. RICE: 20 Q. In paragraph 9, you refer to 21 students who have emotional or physical 22 reactions to technology being limited from 23 their access during the school day. 24 A. Mm-hmm. (Witness nods.) 25 Q. Have you tracked the number of</p>
<p style="text-align: right;">Page 175</p> <p>1 student and some additional meetings to 2 address that concern. 3 Q. Do you know which platforms 4 were involved with that student? 5 A. Facebook and Snapchat were 6 those two. 7 Q. Other than -- in general, when 8 considering the anecdotes you've experienced 9 over time, did you focus on incidents 10 specifically related to defendants' platforms 11 as opposed to technology or screen time more 12 generally? 13 MR. CUTLER: Object to form. 14 A. So, in general, when there are 15 issues, I look more globally at what the 16 issue is. So if the issue is screen time, we 17 really focus on what the screen time issue 18 is. The platforms only come about if it's 19 something that's ongoing. 20 So, typically, if it's 21 something related to screen time, there's 22 some kind of intervention or way to address 23 the concern, whether it's, like, a 24 facilitated conversation or mediation with 25 the students, and then it's typically</p>	<p style="text-align: right;">Page 177</p> <p>1 students who have reaction to limits on 2 access to technology? 3 MR. CUTLER: Objection to form, 4 it's vague. 5 A. I have general information 6 about the students. I have not specifically 7 tracked it. I did end up providing teacher 8 support in one of our classrooms for students 9 with autism in particular. 10 And so it was a student who had 11 very severe reactions to the restriction or 12 limitation or removal of technology. And so 13 it was a situation where the teacher had 14 concerns about the physical aggression of the 15 student. 16 And so I went in that day to 17 provide some support and some observation. 18 And so in that particular day, we did have a 19 student who, when it was time to move from 20 the technology on to something else, got 21 significantly, physically aggressive, and 22 injured a few staff members by -- he threw a 23 device, and then ran out of the room, and 24 also punched a staff member. 25 And so that was noted as</p>

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<p style="text-align: right;">Page 178</p> <p>1 consistent behavior in some reports for the</p> <p>2 student in particular.</p> <p>3 BY MR. RICE:</p> <p>4 Q. Was this restriction on access</p> <p>5 to TUSD-issued devices?</p> <p>6 A. Yes, TUSD devices.</p> <p>7 Q. Is that true of all of the</p> <p>8 incidents you're referring to in paragraph 9?</p> <p>9 MR. CUTLER: Object to form.</p> <p>10 A. I'd say not necessarily all</p> <p>11 TUSD devices. Like, some of the information</p> <p>12 that we get, especially from our secondary</p> <p>13 level students, is reports on personal</p> <p>14 devices, whether it's a cell phone or, like,</p> <p>15 an iPad or a computer that they're using or a</p> <p>16 gaming systems that they're using outside of</p> <p>17 school.</p> <p>18 BY MR. RICE:</p> <p>19 Q. But some of the reports you're</p> <p>20 referring to in paragraph 9 are related to</p> <p>21 restrictions on TUSD-issued devices, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And for the non-TUSD-issued</p> <p>24 devices, you're referring to in paragraph 9,</p> <p>25 that includes gaming systems used outside of</p>	<p style="text-align: right;">Page 180</p> <p>1 disability category. So that would be just a</p> <p>2 way to just chunk two activities to prepare</p> <p>3 students for a transition.</p> <p>4 Q. And have you ever tracked how</p> <p>5 many first then charts for TUSD students</p> <p>6 reference social media?</p> <p>7 MR. CUTLER: Object to form.</p> <p>8 A. No, I have not.</p> <p>9 BY MR. RICE:</p> <p>10 Q. In paragraph 12, you reference</p> <p>11 bullying and harassment.</p> <p>12 Are you aware of any data</p> <p>13 tracking how many incidents of bullying at</p> <p>14 TUSD involved defendants' platforms?</p> <p>15 A. No, I'm not.</p> <p>16 Q. Are you aware of any data</p> <p>17 tracking how many incidents of harassment at</p> <p>18 TUSD involve defendants' platforms?</p> <p>19 A. No, I am not.</p> <p>20 Q. Are you aware of any data</p> <p>21 tracking generally how many code of conduct</p> <p>22 violations at TUSD related to defendants'</p> <p>23 platforms?</p> <p>24 A. No, I am not.</p> <p>25 Q. In paragraph 13, you reference</p>
<p style="text-align: right;">Page 179</p> <p>1 school?</p> <p>2 MR. CUTLER: Object to form.</p> <p>3 A. Yes.</p> <p>4 So in addition to the TUSD</p> <p>5 devices, that would include gaming devices or</p> <p>6 personal devices that are used outside of</p> <p>7 school.</p> <p>8 BY MR. RICE:</p> <p>9 Q. In paragraph 9 you also refer</p> <p>10 to formal behavior plans.</p> <p>11 A. Mm-hmm. (Witness nods.)</p> <p>12 Q. Have you tracked whether TUSD</p> <p>13 has ever offered to allow students to use</p> <p>14 social media as an incentive in a formal</p> <p>15 behavior plan?</p> <p>16 A. I have not tracked that, no.</p> <p>17 Q. In paragraph 9 you refer to</p> <p>18 first then charts.</p> <p>19 What is a first then chart?</p> <p>20 A. So a first then chart is a</p> <p>21 graphic organizer to help a student know,</p> <p>22 like, what's happening with their schedule.</p> <p>23 So, for example, first, we're</p> <p>24 going to talk about your resumé, and then we</p> <p>25 are going to go into information about the</p>	<p style="text-align: right;">Page 181</p> <p>1 social media pages.</p> <p>2 Have you tracked the presence</p> <p>3 of particular social media pages on</p> <p>4 defendants' platforms?</p> <p>5 MR. CUTLER: Object to form,</p> <p>6 that's vague.</p> <p>7 A. I have not specifically tracked</p> <p>8 the social media pages, no.</p> <p>9 BY MR. RICE:</p> <p>10 Q. In paragraph 14, you reference</p> <p>11 group chats, texts, and other communication</p> <p>12 methods.</p> <p>13 You're not aware of any data</p> <p>14 regarding how frequently students at TUSD use</p> <p>15 text messages, correct?</p> <p>16 MR. CUTLER: Object to form,</p> <p>17 asked and answered.</p> <p>18 A. That is correct.</p> <p>19 BY MR. RICE:</p> <p>20 Q. And you're not aware of any</p> <p>21 data tracking how frequently TUSD students</p> <p>22 communicate using defendants' platforms,</p> <p>23 correct?</p> <p>24 A. That's correct.</p> <p>25 Q. In paragraph 14, you reference</p>

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<p style="text-align: right;">Page 182</p> <p>1 property damage.  2 Do you have personal knowledge  3 of any property damage relating to  4 defendants' platforms?  5 A. Not specifically related to  6 these platforms, no.  7 Q. Have you ever analyzed what  8 percentage of time any position in your  9 department spends specifically on defendants'  10 platforms?  11 MR. CUTLER: Object to form,  12 it's vague.  13 A. So the way that our time was  14 analyzed is really vaguely based on, like,  15 whether it's in general counseling or an  16 IEP-related situation. No, there is no data  17 mechanism to analyze time spent on specific  18 platforms.  19 BY MR. RICE:  20 Q. You can set that aside.  21 Dr. Salmon, do you agree that  22 disability could cause a student to have  23 disciplinary issues?  24 MR. CUTLER: Object to form.  25 A. I do believe that behavior is a</p>	<p style="text-align: right;">Page 184</p> <p>1 that behavior.  2 BY MR. RICE:  3 Q. For -- in the manifestation  4 determinations, those apply when a student  5 has been suspended for a certain number of  6 days, correct?  7 A. Correct.  8 Q. How many is it?  9 A. Ten.  10 Q. And so if a student has a  11 disciplinary violation and faces a  12 consequence less than ten days of suspension,  13 the exceptional education department never  14 considers whether the incident was a  15 manifestation of their disability; is that  16 right?  17 A. There is no formal process for  18 that. There could always be a situation  19 where there's new behavior that a student is  20 exhibiting. And so the case manager may call  21 a team meeting. The IEP team may sit down  22 and say, hey, what's happening? This is  23 something we haven't experienced before. We  24 don't have anything that's in the IEP to  25 address this behavior.</p>
<p style="text-align: right;">Page 183</p> <p>1 form of communication, and I recognize that  2 students have disabilities that are related  3 to behavioral manifestations.  4 So it certainly is possible  5 that a student's disability is creating them  6 to physically or internally express it  7 behaviorally.  8 BY MR. RICE:  9 Q. Could a disability cause a  10 student to act out in class?  11 MR. CUTLER: Object to form.  12 A. So there certainly is strong  13 correlation based how that student's specific  14 disability manifests. And so we have what we  15 call a manifestation determination. So  16 that's a formal process that's led by a  17 school psychologist, and it reviews whatever  18 the behavior was, whatever the student's  19 disability is, and if there is a direct  20 connection between that behavior and that  21 student's disability.  22 So there is a good percentage  23 of time when there is a direct correlation  24 between that behavior and that disability.  25 So it could be acting out as an example of</p>	<p style="text-align: right;">Page 185</p> <p>1 So they could say, oh, well,  2 then maybe there is another area of suspected  3 disability. So this could trigger a referral  4 for a reevaluation of that student. And so  5 then that would give more information about  6 if there's another disability that could be  7 the triggering behavior.  8 So that's something that could  9 happen sooner than, like, a ten-day  10 suspension for a student.  11 Q. So it's possible that a  12 disability could contribute to a disciplinary  13 violation even if there was never ultimately  14 a manifestation determination?  15 MR. CUTLER: Object to form,  16 that's vague, lacks foundation.  17 A. Well, if there is the  18 behavior --  19 So administrators are able to  20 use the code of conduct, and provide  21 discipline based on that infraction. And  22 like a student with a disability, the  23 protections don't kick in until they're ten  24 days of suspension.  25 So there could be a behavior</p>



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<p style="text-align: right;">Page 186</p> <p>1 and then a consequence for the behavior  2 without looking at the manifestation or the  3 origin of the disability, yes.  4 BY MR. RICE:  5 Q. So it's possible the behavior  6 in that case could be a consequence of the  7 disability even though a manifestation  8 determination is never made?  9 MR. CUTLER: Object to form,  10 asked and answered.  11 You can answer it again.  12 A. Yes. So if it's not to the  13 ten-day mark, there is no requirement that  14 it's investigated to see if it is a  15 manifestation. So it is possible it could be  16 contributed to or a result of the disability  17 without that examination or that decision  18 being made.  19 BY MR. RICE:  20 Q. And the information on  21 manifestation determination is tracked in  22 Synergy?  23 A. That's correct.  24 Q. Do you agree that disability  25 could cause a student to become physically</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. So if there's -- if a student  2 is suspended for less than ten days.  3 A. Mm-hmm.  4 Q. Specifically if the  5 disciplinary consequence is less than a  6 ten-day suspension, TUSD doesn't track  7 whether that disciplinary violation could  8 have been a manifestation of their  9 disability?  10 A. That's correct.  11 Q. Is another outcome of  12 disciplinary violation an IEP team meeting?  13 A. Yes, that is.  14 Q. And that can be a -- the result  15 of a disciplinary violation in lieu of a  16 disciplinary consequence?  17 A. Correct, it could be in lieu of  18 or sometimes it's in addition to. For  19 example, if a student has a disciplinary  20 violation that is at the ten-day mark and  21 there was a manifestation, if it's a  22 manifestation, depending on the disciplinary  23 infraction, a student might have an interim  24 education placement. So they could have a  25 placement at a temporary location where</p>
<p style="text-align: right;">Page 187</p> <p>1 aggressive?  2 MR. CUTLER: Object to form.  3 A. I do believe that some  4 students' disabilities do manifest with some  5 physical aggression. That is kind of a part  6 of how that disability manifests for that  7 student.  8 BY MR. RICE:  9 Q. Do you have any data on how  10 many disciplinary violations in total,  11 including less than ten-day suspensions, are  12 a manifestation for students of their  13 disabilities?  14 A. I do not have that right away.  15 We do have access to have that information.  16 That is kept in Synergy.  17 BY MR. RICE:  18 Q. How would that be categorized?  19 A. Because anytime there's a  20 manifestation determination, there's the  21 result. And so it's either, yes, it was or,  22 no, it wasn't. And so we could take a look  23 at how many manifestations were held and then  24 how many were a result of the direct impact  25 of the disability or how many were not.</p>	<p style="text-align: right;">Page 189</p> <p>1 they're still getting their services.  2 And so, at that time, that  3 would still trigger an IEP meeting even  4 though it was a manifestation of the  5 disability.  6 Because at that IEP the team  7 would be talking about, like, what can we do  8 to prevent the behavior from happening the  9 next time? Do we have adequate services? Is  10 this the best placement? Is there anything  11 else that we need to consider for the  12 student?  13 MR. RICE: Let's mark as  14 Exhibit 12, tab 23. And this will be  15 another spreadsheet.  16 (Whereupon, TUSD-Salmon-12,  17 Native spreadsheet, was marked for  18 identification.)  19 BY MR. RICE:  20 Q. And Exhibit 12 is a document  21 produced by TUSD with the Bates 00365958.  22 And, Dr. Salmon, I'll represent  23 to you that this is a spreadsheet of  24 disciplinary violations from Synergy.  25 A. Okay.</p>

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<p style="text-align: right;">Page 190</p> <p>1 Q. And so in rows 15 to 22, for 2 instance, do you see that the action taken 3 was manifestation determination? 4 A. Yes, I see that. 5 Q. And is it your understanding 6 that that would be the category in Synergy if 7 a student incident of aggression was found to 8 be a manifestation of their disability? 9 MR. CUTLER: Object to form. 10 A. I understand that this would 11 mean a manifestation was -- determination was 12 made. I'm not sure if it means that it was 13 or was not a manifestation, so there was that 14 process that took place with the team to 15 determine if it was a manifestation or not. 16 BY MR. RICE: 17 Q. But that's how the conclusion 18 of manifestation determination would be 19 logged in to Synergy? 20 MR. CUTLER: Object to form. 21 A. It would be the process of the 22 manifestation. I'm not sure if that logs the 23 conclusions of the manifestation. 24 BY MR. RICE: 25 Q. Where would the conclusion be</p>	<p style="text-align: right;">Page 192</p> <p>1 would mean is that the IEP team chose to have 2 a meeting as a result of this disciplinary 3 incident; is that correct? 4 A. That's correct. 5 MR. RICE: You can take that 6 down, Mr. Lawlor. 7 BY MR. RICE: 8 Q. So, Dr. Salmon, I want to talk 9 about the budget for the exceptional 10 education department. 11 A. Okay. 12 Q. Earlier you mentioned that your 13 responsibilities included managing your 14 department's budget, correct? 15 A. Yes. 16 Q. Are you aware of how positions 17 in your department are funded? 18 A. Yes, I have similarity of how 19 they're funded. 20 Q. What are the ways the positions 21 in your department are funded? 22 MR. CUTLER: Object to form, 23 speculation. 24 A. Are you referring to, like, the 25 funding streams, the sources?</p>
<p style="text-align: right;">Page 191</p> <p>1 logged? 2 MR. CUTLER: Object to the 3 form. 4 A. I am not sure. 5 So that information is usually 6 housed in student relations, and it's kept by 7 student relations. I don't usually look at 8 that data at this global level. Like, I look 9 at it individually by student. 10 BY MR. RICE: 11 Q. So if we look at data for a 12 particular incident like this, like these in 13 rows 15 to 22, and it shows the action was 14 manifestation determination, will you 15 understand that to mean a manifestation 16 determination was held, but you don't know 17 the ultimate -- what the ultimate conclusion 18 was that it was a manifestation? 19 A. Correct. 20 Q. And if we go to rows 11 to 14 21 right above that. 22 Do you see there the action 23 taken was IEP team meeting? 24 A. Correct. 25 Q. So in this case, what that</p>	<p style="text-align: right;">Page 193</p> <p>1 BY MR. RICE: 2 Q. Yes. What are the founding 3 sources for the exceptional education 4 department? 5 A. Okay. So we have funding 6 sources through maintenance and operations. 7 Our general ed funding. We have our IDA 8 grant. We have some Medicaid funding. And 9 then we have some impact aid that we fund our 10 summer school program. The primary funding 11 sources I'm familiar with. 12 Q. Are you familiar with the 13 unitary status plan? 14 A. Yes. 15 Q. And the unitary status plan is 16 the desegregation consent decree that TUSD 17 was subject to until recently, correct? 18 A. Correct. 19 Q. Does the exceptional education 20 department have a role with respect to the 21 unitary status plan? 22 MR. CUTLER: Object to form. 23 A. Well, collectively, as a 24 district, we support all students. And so, 25 of course, if there are resources or supports</p>

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<p style="text-align: right;">Page 194</p> <p>1 that are needed, we provide them.</p> <p>2 As far as, like, directly being</p> <p>3 under the unitary status plan, exceptional</p> <p>4 education department exited that very early</p> <p>5 before I became the director. So we did not</p> <p>6 have a direct role. So we typically did not</p> <p>7 get any funding from that funding stream.</p> <p>8 BY MR. RICE:</p> <p>9 Q. So at one point, the</p> <p>10 exceptional education department did have a</p> <p>11 direct role under the unitary status plan?</p> <p>12 A. Correct.</p> <p>13 Q. And do you know when that was?</p> <p>14 A. I don't know exactly when it</p> <p>15 was, but it would have been at least six</p> <p>16 years ago. More than six years ago.</p> <p>17 Q. Are you aware whether -- which</p> <p>18 positions in the exceptional education</p> <p>19 department were funded by the desegregation</p> <p>20 plan six years ago?</p> <p>21 A. I do not have that information.</p> <p>22 I didn't have access to the budget at that</p> <p>23 time.</p> <p>24 Q. Do you know whether specific</p> <p>25 positions were funded or whether the</p>	<p style="text-align: right;">Page 196</p> <p>1 What did the exceptional</p> <p>2 education department receive ESSER funding</p> <p>3 for?</p> <p>4 A. Yes. And so we received ESSER</p> <p>5 funding for some materials such as, like,</p> <p>6 masks, gloves, hand sanitizer. We also</p> <p>7 purchased some desk dividers. We provided</p> <p>8 professional development. We provided some</p> <p>9 facility upgrades.</p> <p>10 We had, like, some professional</p> <p>11 learning centers. Mary Meredith received,</p> <p>12 like, some different tiling for the floors,</p> <p>13 as well as some new student desks and</p> <p>14 materials.</p> <p>15 There were some bonuses or</p> <p>16 stipends that were given for staff members</p> <p>17 for retention purposes during that time.</p> <p>18 Q. Do you know what positions</p> <p>19 ESSER funds were used for?</p> <p>20 A. I'm not aware of specific</p> <p>21 positions outside of, like, stipend or</p> <p>22 retention bonus. Not like an FTE, fully</p> <p>23 funding for just that position or that role.</p> <p>24 Q. Which positions received</p> <p>25 bonuses or stipends?</p>
<p style="text-align: right;">Page 195</p> <p>1 department generally received funding?</p> <p>2 MR. CUTLER: Object to form.</p> <p>3 A. I am unsure. I don't really</p> <p>4 know the answer to that. I doubt that</p> <p>5 specific positions were funded, because in</p> <p>6 order for us to maintain them, we would have</p> <p>7 had to come up with a different funding</p> <p>8 stream for that, and I'm not aware if that</p> <p>9 took place.</p> <p>10 BY MR. RICE:</p> <p>11 Q. Are you familiar with ESSER</p> <p>12 funding?</p> <p>13 A. Yes.</p> <p>14 Q. And that stands for Elementary</p> <p>15 and Secondary School Emergency Relief, right?</p> <p>16 A. Correct.</p> <p>17 Q. And ESSER was funded from the</p> <p>18 federal government relating to the COVID-19</p> <p>19 pandemic, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Did the exceptional education</p> <p>22 department receive ESSER funding?</p> <p>23 A. Yes.</p> <p>24 Q. What positions or -- what did</p> <p>25 the ESSER --</p>	<p style="text-align: right;">Page 197</p> <p>1 A. So all of our employees who</p> <p>2 returned and worked a full year received a</p> <p>3 stipend, and we had a few years that we</p> <p>4 received a stipend. And so the amounts</p> <p>5 changed. And so it was weighted. And so if</p> <p>6 you were full-time, you got one amount, and</p> <p>7 then part-time people got a reduced amount of</p> <p>8 stipend for retention.</p> <p>9 Q. And that was when employees</p> <p>10 returned to work after the COVID-19 pandemic?</p> <p>11 A. Correct.</p> <p>12 Q. And so I just want to make sure</p> <p>13 I understand this.</p> <p>14 So after they returned to work</p> <p>15 in the COVID-19 pandemic, every employee in</p> <p>16 the exceptional education department who</p> <p>17 returned received some type of stipend from</p> <p>18 ESSER funds?</p> <p>19 A. That's correct.</p> <p>20 Q. How much were the stipends?</p> <p>21 A. I don't recall exactly. Like,</p> <p>22 we had multiple years. And so there was one</p> <p>23 amount one year, and then it decreased the</p> <p>24 second year, and I believe there was a third</p> <p>25 year for a third stipend. So it was a</p>

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<p style="text-align: right;">Page 198</p> <p>1 step-down amount.</p> <p>2 Q. Was it based on percentage of</p> <p>3 the employee's salary or was it a fixed</p> <p>4 amount?</p> <p>5 A. It was based on their full-time</p> <p>6 equivalency. So it was a set amount for all</p> <p>7 full-time employees, and then for part-time</p> <p>8 employees it was a set amount.</p> <p>9 MR. RICE: Let's mark as</p> <p>10 Exhibit 13, tab 12.</p> <p>11 (Whereupon, TUSD-Salmon-13,</p> <p>12 E-mail(s), Subj: RE: ESSER III</p> <p>13 Positions - 12.6.22.xlsx,</p> <p>14 SM_TUSD_00441612-SM_TUSD_00441613, was</p> <p>15 marked for identification.)</p> <p>16 BY MR. RICE:</p> <p>17 Q. And Exhibit 13 is a document</p> <p>18 produced by TUSD with the Bates 00441612.</p> <p>19 Dr. Salmon, do you see this is</p> <p>20 an e-mail from Jon Lansa to Ricardo</p> <p>21 Hernandez?</p> <p>22 MR. CUTLER: Take your time and</p> <p>23 review the document. You don't need</p> <p>24 to rush through.</p> <p>25 A. Okay. Yes, I see it's an</p>	<p style="text-align: right;">Page 200</p> <p>1 BY MR. RICE:</p> <p>2 Q. And, Dr. Salmon, I'll represent</p> <p>3 to you that this is the attachment to</p> <p>4 Mr. Lansa's e-mail.</p> <p>5 A. Okay.</p> <p>6 Q. And then, if we go to rows 115</p> <p>7 to 121.</p> <p>8 Do you see that the list of</p> <p>9 ESSER-funded positions here includes some</p> <p>10 funding for exceptional education teaching</p> <p>11 assistants at Maldonado Elementary School?</p> <p>12 MR. CUTLER: Object to form,</p> <p>13 foundation.</p> <p>14 A. Okay. So I see 115 to 121. I</p> <p>15 see Maldonado Elementary School, and I see</p> <p>16 that these are some exceptional ed teacher</p> <p>17 assistants. It looks like three positions.</p> <p>18 The three names are listed twice.</p> <p>19 BY MR. RICE:</p> <p>20 Q. And if we go to row 4,481.</p> <p>21 Do you see that ESSER-funded</p> <p>22 positions were used to fund social workers</p> <p>23 with a master's degree at Doolen Middle</p> <p>24 School?</p> <p>25 MR. CUTLER: Object to form,</p>
<p style="text-align: right;">Page 199</p> <p>1 e-mail from Jon Lansa -- from Jon Lansa to</p> <p>2 Ricky Hernandez and Fina Johnson.</p> <p>3 BY MR. RICE:</p> <p>4 Q. And Mr. Lansa is the director</p> <p>5 of grant and federal programs, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And Mr. Hernandez is the chief</p> <p>8 financial officer?</p> <p>9 A. Correct.</p> <p>10 Q. And Mr. Lansa writes: Attached</p> <p>11 is an updated list of ESSER funded school</p> <p>12 positions.</p> <p>13 Correct?</p> <p>14 A. Correct.</p> <p>15 Q. And then you see there's an</p> <p>16 attachment there listed that says:</p> <p>17 ESSER III positions 2.14.23?</p> <p>18 A. Correct.</p> <p>19 MR. RICE: Let's mark as</p> <p>20 Exhibit 14, tab 12A.</p> <p>21 Mr. Lawlor, can bring up that</p> <p>22 spreadsheet?</p> <p>23 (Whereupon, TUSD-Salmon-14,</p> <p>24 Native spreadsheet, was marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 201</p> <p>1 foundation.</p> <p>2 A. Okay. 4,481. Yes, I see the</p> <p>3 master level social worker at Doolen.</p> <p>4 BY MR. RICE:</p> <p>5 Q. Do you know whether ESSER funds</p> <p>6 were used to fund social worker positions at</p> <p>7 other schools in TUSD?</p> <p>8 MR. CUTLER: Object to form,</p> <p>9 asked and answered.</p> <p>10 A. Further down I see</p> <p>11 Myers/Ganoung. I see Teenage Pregnancy High</p> <p>12 School. I see -- Native American Student</p> <p>13 Services. That's a department.</p> <p>14 Cholla High School, Oyama,</p> <p>15 Robinson, Gale, and Henry. These are social</p> <p>16 worker positions that are ESSER funded.</p> <p>17 BY MR. RICE:</p> <p>18 Q. And so that's a yes, then, it</p> <p>19 was used for other social worker positions at</p> <p>20 schools in TUSD?</p> <p>21 MR. CUTLER: Object to form and</p> <p>22 foundation.</p> <p>23 A. And so these are social worker</p> <p>24 positions in TUSD. These, I do not believe,</p> <p>25 are exceptional education social work</p>

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<p style="text-align: right;">Page 202</p> <p>1 positions.</p> <p>2 MR. RICE: You can take that</p> <p>3 down, Mr. Lawlor.</p> <p>4 Let's mark as Exhibit 15,</p> <p>5 tab 14.</p> <p>6 (Whereupon, TUSD-Salmon-15,</p> <p>7 Tuesday, March 4, 2025 Agenda for</p> <p>8 Regular Board Meeting, was marked for</p> <p>9 identification.)</p> <p>10 BY MR. RICE:</p> <p>11 Q. And tab 14 is a TUSD governing</p> <p>12 board agenda for the March 4, 2025, meeting.</p> <p>13 MR. CUTLER: Take your time and</p> <p>14 review.</p> <p>15 [Document review.]</p> <p>16 BY MR. RICE:</p> <p>17 Q. And you can take your time, but</p> <p>18 I'm going to ask you about agenda item 7.3.</p> <p>19 A. Okay.</p> <p>20 MR. CUTLER: Review as much as</p> <p>21 you'd like.</p> <p>22 [Document review.]</p> <p>23 A. Okay. Ready.</p> <p>24 BY MR. RICE:</p> <p>25 Q. And this is a meeting from</p>	<p style="text-align: right;">Page 204</p> <p>1 MR. CUTLER: Again, go ahead</p> <p>2 and review.</p> <p>3 [Document review.]</p> <p>4 A. Okay.</p> <p>5 BY MR. RICE:</p> <p>6 Q. If you would, turn to the slide</p> <p>7 that's labeled Eligible Services. Slide 12.</p> <p>8 And this slide lists the</p> <p>9 services that are eligible for Medicaid</p> <p>10 reimbursement, correct?</p> <p>11 MR. CUTLER: Object to form,</p> <p>12 speculation.</p> <p>13 A. So this was developed by</p> <p>14 Mr. Hernandez, and he did the sub-therapies</p> <p>15 that are eligible for Medicaid reimbursement,</p> <p>16 yes.</p> <p>17 BY MR. RICE:</p> <p>18 Q. But as exceptional education</p> <p>19 director, your understanding is that the</p> <p>20 services listed on this slide are eligible</p> <p>21 for Medicaid reimbursement?</p> <p>22 MR. CUTLER: Object to form.</p> <p>23 A. So, yes, this is a list of</p> <p>24 services that are eligible for Medicaid</p> <p>25 reimbursement.</p>
<p style="text-align: right;">Page 203</p> <p>1 March 4, 2025, so, about two months ago,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. And do you recall presenting</p> <p>5 agenda item 7.3 at this meeting?</p> <p>6 A. Yes, I do.</p> <p>7 Q. And there is an attachment to</p> <p>8 this agenda item, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And that's the presentation you</p> <p>11 gave at this meeting, correct?</p> <p>12 A. Correct.</p> <p>13 MR. RICE: And let's mark as</p> <p>14 Exhibit 16, tab 15.</p> <p>15 A. Okay.</p> <p>16 (Whereupon, TUSD-Salmon-16,</p> <p>17 3-4-2025 Exceptional Education Systems</p> <p>18 and Structures, was marked for</p> <p>19 identification.)</p> <p>20 BY MR. RICE:</p> <p>21 Q. And Exhibit 16 is the</p> <p>22 attachment to that agenda titled Exceptional</p> <p>23 Education Systems and Structures.</p> <p>24 And, Dr. Salmon, what was the</p> <p>25 purpose of this presentation?</p>	<p style="text-align: right;">Page 205</p> <p>1 BY MR. RICE:</p> <p>2 Q. And one of the services listed</p> <p>3 is behavioral mental health services,</p> <p>4 counseling, psychology and assessments,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And then another service that</p> <p>8 is listed is nursing services, medication</p> <p>9 administration, chronic diseases management,</p> <p>10 and health screening, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And then if we go to the next</p> <p>13 slide titled TUSD-Medicaid Financial</p> <p>14 Overview.</p> <p>15 Do you see that the first</p> <p>16 bullet on this slide states that: Between</p> <p>17 fiscal year 2016 and 2024, TUSD collected a</p> <p>18 total of 34.7 million in Medicaid</p> <p>19 reimbursement, an average of 3.9 million per</p> <p>20 year?</p> <p>21 A. Correct.</p> <p>22 Q. And then, do you see the bullet</p> <p>23 at the bottom states: The projected revenue</p> <p>24 for fiscal year 2025 is expected to be</p> <p>25 1.5 million?</p>

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<p style="text-align: right;">Page 206</p> <p>1 A. Correct.</p> <p>2 Q. Do you know how much money TUSD</p> <p>3 receives in IDEA grants?</p> <p>4 A. In the past, we've received</p> <p>5 roughly 10 million.</p> <p>6 Q. On an annual basis?</p> <p>7 A. On an annual basis.</p> <p>8 MR. RICE: We can go off the</p> <p>9 record.</p> <p>10 THE VIDEOGRAPHER: We are going</p> <p>11 off the record. The time is 12:19.</p> <p>12 (Recess taken, 12:19 p.m. to</p> <p>13 12:54 p.m. MST)</p> <p>14 THE VIDEOGRAPHER: We are going</p> <p>15 back on the record. The time is</p> <p>16 12:54.</p> <p>17 BY MR. RICE:</p> <p>18 Q. Welcome back, Dr. Salmon.</p> <p>19 A. Thank you.</p> <p>20 MR. RICE: Can we mark as</p> <p>21 Exhibit 17, tab 10?</p> <p>22 (Whereupon, TUSD-Salmon-17,</p> <p>23 E-mail(s), Subj: Draft slides for</p> <p>24 Budget meeting 1/19/23,</p> <p>25 SM_TUSD_00514528, was marked for</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. And the first challenge is:</p> <p>2 Trend in increased number of autism diagnoses</p> <p>3 and severity of diagnoses.</p> <p>4 Correct?</p> <p>5 A. Correct.</p> <p>6 Q. And under that next bullet it</p> <p>7 says: Demand cannot be met.</p> <p>8 Correct?</p> <p>9 A. Correct.</p> <p>10 Q. The second challenge is:</p> <p>11 Medicaid reimbursements are reduced due to</p> <p>12 staffing levels.</p> <p>13 Correct?</p> <p>14 A. Correct.</p> <p>15 Q. And under that it says that</p> <p>16 that results in reduced funding, correct?</p> <p>17 A. Correct.</p> <p>18 Q. The third challenge is: Trend</p> <p>19 in reduced number of enrollments in education</p> <p>20 programs, smaller candidate pool.</p> <p>21 Correct?</p> <p>22 A. Correct.</p> <p>23 Q. What does it mean that there's</p> <p>24 a reduced number of enrollments in education</p> <p>25 programs and a smaller candidate pool?</p>
<p style="text-align: right;">Page 207</p> <p>1 identification.)</p> <p>2 BY MR. RICE:</p> <p>3 Q. And Exhibit 17 is a document</p> <p>4 produced with the Bates 00514528.</p> <p>5 Dr. Salmon, do you see this is</p> <p>6 an e-mail to you from Ms. Genoa Black?</p> <p>7 A. Yes.</p> <p>8 Q. And do you see she attaches a</p> <p>9 PowerPoint in the e-mail she sends you?</p> <p>10 A. Yes.</p> <p>11 MR. RICE: Let's mark as</p> <p>12 Exhibit 18, tab 10A.</p> <p>13 (Whereupon, TUSD-Salmon-18,</p> <p>14 Native spreadsheet, was marked for</p> <p>15 identification.)</p> <p>16 BY MR. RICE:</p> <p>17 Q. And Exhibit 18 is a document</p> <p>18 produced with the Bates 00514529.</p> <p>19 And, Dr. Salmon, this was the</p> <p>20 document attached to Ms. Black's e-mail.</p> <p>21 A. Okay.</p> <p>22 Q. And do you see the second slide</p> <p>23 here lists challenges associated with the</p> <p>24 exceptional education department?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 209</p> <p>1 A. That's referring to higher</p> <p>2 education programs for students -- for</p> <p>3 students who want to become exceptional</p> <p>4 education teachers or who want to become</p> <p>5 school psychologists or speech and language</p> <p>6 pathologists, any of the related service</p> <p>7 providers that support exceptional education</p> <p>8 students.</p> <p>9 There is a smaller number of</p> <p>10 individuals who are enrolling into those</p> <p>11 programs, so that's decreasing the number of</p> <p>12 individuals who are qualified for those</p> <p>13 roles.</p> <p>14 Q. And that makes it more</p> <p>15 difficult for TUSD to find candidates for job</p> <p>16 vacancies?</p> <p>17 A. Correct.</p> <p>18 Q. And the next bullet is:</p> <p>19 Vacancies, teachers and teacher assistants,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And the bullets under there</p> <p>23 list the sort implications or consequences of</p> <p>24 those vacancies, right?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">Page 210</p> <p>1 Q. The first way is: Decreased 2 capacity to provide services. The second is: 3 Workload is increased for current staff. The 4 third is: Quality of services is decreased 5 due to large workload/burnout. The fourth 6 is: Leaves District vulnerable for 7 complaints and lawsuits. 8 Correct? 9 A. Correct. 10 Q. And this presentation is from 11 January 2023, correct? You can look at 12 Exhibit 17 with the cover -- the date of the 13 cover e-mail, if that helps. 14 A. Correct. Yes. 15 Q. Social media is not listed as a 16 challenge on this slide, correct? 17 A. Correct. 18 Q. And defendants' platforms are 19 not listed as a challenge on this slide, 20 correct? 21 A. Correct. 22 Q. Then the next slide lists 23 solutions to the challenges, correct? 24 A. Correct. 25 Q. One of the solutions is</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. So that means that you received 2 more students requiring students from the 3 exceptional education department, then, 4 correct? 5 A. Correct. 6 Q. The second is: More instances 7 of trauma, DCS involvement, and group home 8 placements. 9 Correct? 10 A. Correct. 11 Q. So at this time, TUSD was 12 seeing more students reporting trauma, 13 correct? 14 A. Correct. 15 Q. And those students required 16 more assistance from TUSD? 17 A. Correct. 18 Q. And TUSD was also seeing more 19 students being placed in group homes, right? 20 A. Correct. 21 Q. What are group homes in this 22 context? 23 A. Group homes are places where 24 there are staff who are supporting students. 25 And they're placed in group homes because</p>
<p style="text-align: right;">Page 211</p> <p>1 increase compensation for teachers and 2 teaching assistants? 3 A. Correct. 4 Q. Another one is increase 5 professional development opportunities? 6 A. Correct. 7 Q. Social media is not mentioned 8 on this slide either, correct? 9 A. Correct. 10 Q. And defendants' platforms are 11 not referenced on this slide, correct? 12 A. Correct. 13 Q. Let's go back to Exhibit 9, 14 which was the presentation titled Exceptional 15 Education Overview. 16 If we go to slide 7, 17 Exceptional Education Students in TUSD. 18 Does this slide list trends 19 with respect to exceptional education 20 students for the 2022-2023 school year? 21 A. Yes, that's correct. 22 Q. And so the first trend is: 23 Increase in enrollment by over 300 students. 24 Correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 213</p> <p>1 there's something that's happening in their 2 home where either DCS is involved and is 3 revoking that privilege of a parent at the 4 time. 5 We also have group home 6 placements by the parent who's saying, 7 there's something going on with either my 8 child's behavior, health, that I'm unable to 9 address, or my well-being and health, and so 10 I'm not in the best condition to parent at 11 this time. 12 Q. So an increase in group home 13 placements means that there are more students 14 who are facing situations where they were 15 unable to live with their original parents or 16 guardians? 17 A. Correct. 18 Q. The slide also lists increased 19 DCS involvement. 20 What does that mean? 21 A. That's the Department of Child 22 Safety. And so there's a Department of Child 23 Safety that gets involved if there is a 24 neglect or abuse claim during the time of 25 investigation of that claim or upon a finding</p>

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<p style="text-align: right;">Page 214</p> <p>1 of that claim, this organization is involved  2 with either the temporary placement family or  3 the family of origin.  4 Q. And so at this time, what the  5 exceptional education department was seeing  6 was an increase in situations where the  7 Department of Child Safety had to get  8 involved?  9 A. Correct.  10 Q. The slide also lists:  11 Greater need for specialized  12 services.  13 Correct?  14 A. Correct.  15 Q. And does that refer to an  16 increased need for specialized services to  17 treat students with disabilities at TUSD?  18 A. That's correct.  19 Q. And so does that mean that  20 students, their disabilities were presenting  21 additional complexities that TUSD needed  22 resources to address?  23 A. Correct. So the students'  24 needs were exceeding our current resources or  25 our current school skill base or skill level</p>	<p style="text-align: right;">Page 216</p> <p>1 that's allocated through a grant by the state  2 department. And so at that time, we were not  3 having as many parents wanting our services.  4 Therefore, we had some funding that we were  5 not able to spend because it was earmarked  6 specifically for this population and those  7 services.  8 Q. Social media is not listed as a  9 trend on this slide either, correct?  10 A. Correct.  11 Q. Let's go to slide 10, which is  12 listed as -- or titled Challenges.  13 And slide 10 appears to be a  14 different version of the -- what we looked at  15 earlier in Exhibit 18, correct?  16 A. Correct.  17 Q. And social media is not listed  18 as a challenge on this slide, correct?  19 A. Correct.  20 Q. Defendants' platforms are not  21 listed as a challenge on this slide, correct?  22 A. Correct.  23 Q. Slide 11 lists implications,  24 correct?  25 A. Correct.</p>
<p style="text-align: right;">Page 215</p> <p>1 of the providers that we originally had.  2 Q. And decrease in private and  3 parochial proportionate share services. What  4 does that mean?  5 A. So private and parochial  6 proportionate share services has to do with  7 funding that public schools receive in order  8 to support students who have a disability and  9 they are attending a private school or a  10 parochial, like, a religious-based school.  11 And so those services are,  12 like, services from a special educator or  13 from a speech and language pathologist, like,  14 from a social worker, any of our exceptional  15 education staff members who would still  16 provide the support and services to those  17 additional students.  18 Q. So if those are decreasing,  19 does that mean that TUSD exceptional  20 education department had to provide more of  21 those services itself?  22 A. So there was a decrease in the  23 requests for those services for a while from  24 the schools during that particular year.  25 And so there is some funding</p>	<p style="text-align: right;">Page 217</p> <p>1 Q. And these are implications of  2 the challenges and trends you've discussed  3 earlier in the presentation, correct?  4 A. Correct.  5 Q. The first implication is tier  6 1, 2, and 3 support challenges.  7 What do you understand that to  8 mean?  9 A. So that means the academic, the  10 attendance, or the behavior challenges that  11 students are exhibiting. And so the  12 different tiers refer to the level of support  13 and resources that the students receive  14 access to.  15 So just seeing more challenges  16 with providing the services because more  17 students are qualifying in those areas for  18 having that level of need.  19 Q. And the third implication there  20 is higher caseloads, correct?  21 A. Correct.  22 Q. And that's referring to  23 increasing caseloads in the exceptional  24 education department?  25 A. Correct.</p>

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<p style="text-align: right;">Page 218</p> <p>1 Q. And towards the bottom, you see 2 a reference to advocates and complaints, 3 correct? 4 A. Correct. 5 Q. What does that refer to? 6 A. That refers to exceptional 7 education advocates. So these are 8 individuals who typically either call on 9 behalf of or attend meetings with parents 10 about any kind of exceptional education need. 11 Sometimes advocates come to 12 meetings for IEPs, because they're asking for 13 additional resources or services. Maybe 14 advocates are asking for more testing or 15 evaluations. 16 Complaints refers to complaints 17 that go to Arizona Department of Education, 18 or complaints could go to the Office of Civil 19 Rights. 20 Q. And -- 21 A. Just informal complaints that 22 come to, like, the exceptional education 23 office, either to myself or an ombudsperson, 24 Monica Ayon, or they could go to, like, an 25 assistant director. Sometimes they go to the</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. So, at this time, there were 2 ten vacancies for psychologists, correct? 3 A. Correct. 4 Q. And there were four vacancies 5 for licensed clinical social workers, and 6 five vacancies for licensed master's of 7 social work, correct? 8 A. Correct. 9 Q. And there were four vacancies 10 for behavioral intervention specialists, 11 correct? 12 A. Correct. 13 Q. Have shortages of psychologists 14 and social workers been consistent during 15 your time at TUSD? 16 A. Shortages in psychologists, 17 yes. Shortages in social workers, no. We've 18 been able to hire more social workers, so we 19 have less vacancies in that now. 20 Q. And the shortage in 21 psychologists that you've seen consistently 22 during your time in TUSD, is that caused by 23 the national trends you were mentioning 24 earlier in your testimony? 25 MR. CUTLER: Object to form.</p>
<p style="text-align: right;">Page 219</p> <p>1 superintendent's office. 2 Q. Was TUSD seeing an increase in 3 these types of complaints at this time? 4 A. Yes. 5 Q. The slide also refers to less 6 Medicaid reimbursement, correct? 7 A. Correct. 8 Q. And does that mean at this 9 time, TUSD -- in 2023, TUSD was receiving 10 less reimbursement funding from Medicaid? 11 A. Yes, TUSD was receiving less 12 reimbursement from Medicaid in 2023. 13 Q. Let's go to the next slide 14 titled Exceptional Education Vacancies. 15 And, Dr. Salmon, does this 16 slide list vacancies in the exceptional 17 education department as of February 2023? 18 A. That's correct. 19 Q. And for these vacancies, that 20 means that TUSD has an open position for 21 which it's trying to hire candidates but 22 can't find an appropriate candidate or an 23 appropriate candidate hasn't agreed to take 24 the job, correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 221</p> <p>1 A. Right. So what we're seeing 2 with our psychologists is we have an aging 3 group of psychologists who are retiring and 4 no longer working, and then we have fewer 5 individuals who are coming into psychology. 6 What we also notice is that 7 there are fewer students at the university 8 level that stay in the Tucson area, even if 9 they go to University of Arizona. Many of 10 them either go to Phoenix or outside of the 11 state to work as a psychologist. 12 So there is a difficulty with 13 that pipeline producing enough individuals 14 who can come to work as school psychologists. 15 BY MR. RICE: 16 Q. And that pipeline problem makes 17 it more difficult for TUSD to hire 18 psychologists? 19 A. Correct. 20 Q. For social workers, was there a 21 trend of shortages previously? 22 MR. CUTLER: Object to form. 23 It's vague. 24 A. So for social workers, these 25 numbers that are reported here, the four</p>

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<p style="text-align: right;">Page 222</p> <p>1 LCSWs and then the five LMSWs, that is a  2 number that was relatively consistent for '22  3 and '23. Prior to that time, I don't really  4 have the data to support that number.  5 I do know, like, nine vacancies  6 at one time was certainly a higher number  7 than we had experienced since 2020.  8 BY MR. RICE:  9 Q. I just want to make sure I  10 understand that.  11 There was a point in time after  12 2020 when TUSD did have nine vacancies?  13 A. Correct.  14 Q. And then prior to 2020, did  15 TUSD consistently, in your experience, see  16 vacancies in the position of social worker?  17 A. No, not prior to the 2020.  18 Q. Let's go back to Exhibit 16,  19 which is the presentation you gave two months  20 ago titled Exceptional Education Systems and  21 Structures.  22 A. Okay.  23 Q. And I want to focus on the  24 third slide titled Student and Staff Trends.  25 A. Okay.</p>	<p style="text-align: right;">Page 224</p> <p>1 decrease in overall enrollment in the  2 district is a decrease in funding, correct?  3 A. Correct.  4 Q. And the second trend is an  5 increase in school choice, correct?  6 A. Correct.  7 Q. And that refers -- or what does  8 that refer to?  9 A. That refers to the universal  10 voucher system, so that students who  11 typically would go to public schools now have  12 funding to go to private schools. It also  13 refers to additional private or charter  14 schools that have opened in Tucson in the  15 recent years.  16 Q. And that also reduces the  17 funding available to TUSD, too, correct?  18 A. Yes, that's correct.  19 Q. And that's because the state  20 funding for those students goes to the  21 private schools as a voucher and it used to  22 go to TUSD, correct?  23 A. Correct.  24 Q. And then the third trend is a  25 decrease in early identification prior to</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. The third slide titled Student  2 and Staff Trends.  3 Thank you.  4 Dr. Salmon, does this slide  5 show student and staff trends with respect to  6 the alternative -- excuse me.  7 Does this slide show student  8 and staff trends with respect to the  9 exceptional education department?  10 A. Yes, that's correct.  11 Q. And so the first trend is a  12 decline in overall enrollment.  13 Correct?  14 A. Correct.  15 Q. What does that refer to?  16 A. That refers to overall  17 enrollment within TUSD, so the total  18 enrollment for the district.  19 Q. So that means that the  20 percentage of exceptional education students  21 in the district is increasing, because the  22 overall gen ed population is decreasing,  23 correct?  24 A. That is correct.  25 Q. And one consequence of that</p>	<p style="text-align: right;">Page 225</p> <p>1 preschool.  2 What does that refer to?  3 A. So that refers to young  4 children who are under the age of 3 who have  5 some type of a disability. In previous  6 years, those individual children would go to  7 a pediatrician or to, like, a hearing  8 specialist or a visual specialist or some  9 other kind of professional who would provide  10 an evaluation.  11 And so then they would  12 typically come to TUSD for some support in  13 services at that early age, like, around 2 we  14 have a program in Arizona that provides  15 services. Once they are approaching their  16 third year of life, then they would  17 transition over to the school district.  18 It also refers to, like,  19 students who are already in preschool and  20 they're attending, and then the preschool  21 student -- teachers are noticing that  22 students are exhibiting some developmental  23 delays or some other concerns. And so then  24 there is a referral for an evaluation or some  25 additional support for the preschool</p>

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<p style="text-align: right;">Page 226</p> <p>1 students.</p> <p>2 So we were noticing that trend.</p> <p>3 Because the later interventions start, the</p> <p>4 more compounded the disability or the</p> <p>5 concerns are once they do enter school.</p> <p>6 Q. So the delay in identification</p> <p>7 requires TUSD to put more resources into the</p> <p>8 early childhood identification of</p> <p>9 disabilities?</p> <p>10 A. Correct. It requires more</p> <p>11 resources in the identification of, and also</p> <p>12 the services of the students.</p> <p>13 Q. And then the fourth trend is</p> <p>14 increase in refugee students with the various</p> <p>15 educational needs.</p> <p>16 A. Correct.</p> <p>17 Q. And what does that refer to?</p> <p>18 A. That refers to an increase in</p> <p>19 students from various countries coming into</p> <p>20 TUSD boundaries. And some of them may have</p> <p>21 never had school or may have been out of</p> <p>22 formalized school for a while.</p> <p>23 Some of them may have some</p> <p>24 language or communication differences. Some</p> <p>25 of them might have a primary language that is</p>	<p style="text-align: right;">Page 228</p> <p>1 So they may have had a previous</p> <p>2 career. It just requires having a bachelor's</p> <p>3 degree and enrolling in an exceptional</p> <p>4 education program, a certification program,</p> <p>5 and then starting to teach.</p> <p>6 So we can have individuals who</p> <p>7 are starting to teach while they're learning</p> <p>8 to be an exceptional educator. So that's one</p> <p>9 of the trends that we're seeing in that area.</p> <p>10 We are also seeing additional</p> <p>11 pathways to, like, for example, become a</p> <p>12 speech and language pathologist, where</p> <p>13 individuals could be an SLP assistant first,</p> <p>14 and then, as they're getting more on-the-job</p> <p>15 training and support, then they can expand in</p> <p>16 that role.</p> <p>17 Q. Social media is not listed as a</p> <p>18 trend on the slide, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And defendants' platforms are</p> <p>21 not listed?</p> <p>22 A. Correct.</p> <p>23 Q. Let's mark as Exhibit 19,</p> <p>24 tab 16.</p> <p>25 (Whereupon, TUSD-Salmon-19,</p>
<p style="text-align: right;">Page 227</p> <p>1 not spoken readily that would need</p> <p>2 translation or interpretation. Sometimes</p> <p>3 it's a language that's not a written</p> <p>4 language.</p> <p>5 And so those are some</p> <p>6 challenges, as well as, like, some</p> <p>7 developmental or physical disabilities.</p> <p>8 Q. And the next trend is fewer</p> <p>9 educators, school psychologists, and related</p> <p>10 service providers, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And this relates to what we</p> <p>13 were just discussing about the reduced</p> <p>14 candidate pool available for certain</p> <p>15 positions.</p> <p>16 A. Correct.</p> <p>17 Q. The next trend is increase in</p> <p>18 alternative certified staff.</p> <p>19 What does that refer to?</p> <p>20 A. So that refers to teachers, for</p> <p>21 example. Instead of going through, like, a</p> <p>22 traditional teacher preparation degree</p> <p>23 granting program, we have more individuals</p> <p>24 who are going into teaching with an</p> <p>25 alternative certification and pathway.</p>	<p style="text-align: right;">Page 229</p> <p>1 Audio file, was marked for</p> <p>2 identification.)</p> <p>3 BY MR. RICE:</p> <p>4 Q. And this will be an audio</p> <p>5 recording from the March 4, 2025 board</p> <p>6 meeting.</p> <p>7 While we're waiting for the</p> <p>8 clip to play, Dr. Salmon, the last trend on</p> <p>9 the slide is more diversity in student</p> <p>10 academic, behavior, and medical needs,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. What does that trend refer to?</p> <p>14 A. So that's just referring to the</p> <p>15 variety of skill sets that students are</p> <p>16 coming in with, whether it's reading,</p> <p>17 writing, or math abilities. It's also having</p> <p>18 to do with, like, the self-regulation</p> <p>19 abilities, just the social cues and social</p> <p>20 regulation.</p> <p>21 And then medical needs,</p> <p>22 anything from a physical medical need to</p> <p>23 asthma to diabetes to anxiety to depression.</p> <p>24 Q. And those are all different</p> <p>25 needs that the exceptional education</p>

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<p style="text-align: right;">Page 230</p> <p>1 department then needs to address for those 2 students, correct? 3 MR. CUTLER: Objection, form. 4 A. Correct. 5 MR. RICE: Let's go ahead and 6 play Exhibit 19. 7 [Audio played.] 8 BY MR. RICE: 9 Q. Dr. Salmon, was that you 10 speaking in that clip? 11 A. Yes. 12 Q. And that was you speaking to 13 the TUSD Board of Directors, correct? 14 A. Correct. 15 Q. And in that clip you mentioned 16 the trend in the district's overall 17 enrollment, correct? 18 A. Correct. 19 Q. You also mentioned 1 in 3 20 students have been affected by trauma, 21 correct? 22 A. Correct. 23 Q. You mentioned the increase in 24 refugee students who come to TUSD, correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 232</p> <p>1 MR. CUTLER: Take your time. 2 [Document review.] 3 A. Okay. 4 BY MR. RICE: 5 Q. Dr. Salmon, you presented 6 agenda item 9.3 at the February 23rd, 2021 7 TUSD governing board meeting, correct? 8 A. Yes. I was a co-presenter. 9 Q. And this agenda item concerned 10 the school resource officer program 11 recommendation committee, correct? 12 A. Correct. 13 Q. What was the purpose of that 14 committee? 15 A. The purpose of that committee 16 was to review the effectiveness or usefulness 17 of school resource officers in the Tucson 18 Unified School District. 19 Q. And why did the district choose 20 to review the school resource officer program 21 at this time in February of 2021? 22 MR. CUTLER: Object to form. 23 A. Prior to this presentation, 24 there were some questions or some concerns 25 about if school resource officers have a</p>
<p style="text-align: right;">Page 231</p> <p>1 Q. And you said a number of those 2 students have academic or medical needs, 3 correct? 4 A. Correct. 5 Q. You didn't mention social media 6 as one of the trends facing the district, 7 correct? 8 A. Correct. 9 Q. And you didn't refer to 10 defendants' platforms as an issue facing the 11 district, correct? 12 A. Correct. 13 MR. RICE: Let's mark as 14 Exhibit 20, tab 26. 15 (Whereupon, TUSD-Salmon-20, 16 Tuesday, February 23, 2021 Agenda for 17 Special Board Meeting, was marked for 18 identification.) 19 BY MR. RICE: 20 Q. And tab 26 is the agenda from 21 the February 23rd, 2021 TUSD governing board 22 meeting. 23 And, Dr. Salmon, I'm going to 24 specifically ask you about agenda item 9.3. 25 A. Okay.</p>	<p style="text-align: right;">Page 233</p> <p>1 place in public schools. 2 And so there was a committee 3 that was reviewing feedback, as well as data 4 on the types of instances our school resource 5 officers were called in to address, and the 6 impact of them coming in to address those 7 instances. 8 And then just to give some 9 feedback or guidance to the governing board 10 based on those various data points. And the 11 representation of the committee members about 12 if it seems to be a good thing, that we want 13 to continue pursuing a grant for funding and 14 that resource allocation or if it's something 15 that we would want to discontinue. 16 BY MR. RICE: 17 Q. Who in the community expressed 18 concerns about school resource officers in 19 TUSD? 20 MR. CUTLER: Object to form, 21 speculation. 22 A. So at governing board meetings, 23 and then there was information that was sent 24 in e-mail or letter form. So there were 25 members of the community. There were some</p>



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<p style="text-align: right;">Page 234</p> <p>1 parents. There were some governing board  2 members who had questions or concerns.  3 BY MR. RICE:  4 Q. What types of concerns were  5 there?  6 MR. CUTLER: Object to form.  7 A. So some of the concerns that  8 were expressed was about, was this really  9 taking kind of a detention lens or a  10 correction officer lens into schools? And if  11 that was the case, then what could be the  12 potential negative impact on students?  13 BY MR. RICE:  14 Q. And you were a member of the  15 committee that considered this recommendation  16 to the board?  17 A. Correct.  18 Q. And do you see there are  19 attachments to the governing board meeting,  20 correct?  21 A. Correct.  22 Q. When you reference potential  23 negative impact on students, does that  24 include the potential that there could be  25 negative impacts on their mental health?</p>	<p style="text-align: right;">Page 236</p> <p>1 officer didn't have the appropriate training,  2 could that negatively impact a student with a  3 disability?  4 A. So we noticed that school  5 resource officers without the appropriate  6 training sometimes went into situations and  7 escalated the matter. And so we supported a  8 training protocol, as well as a trainer in  9 the school safety department that could help  10 provide the NCI, the nonviolent crisis  11 intervention training that I previously spoke  12 about.  13 And so that is something that  14 our school resource officers have, as well as  15 specific training on disabilities and how  16 those disabilities might present themselves  17 and how to intervene.  18 Q. And --  19 A. Yeah.  20 So we want to make sure that we  21 do provide that training, because without  22 that training and without that knowledge,  23 yes, the intervention could cause more harm  24 to the student.  25 Q. And prior to February of 2021,</p>
<p style="text-align: right;">Page 235</p> <p>1 MR. CUTLER: Object to form.  2 A. So one of the negative impacts  3 that we were noticing is that the school  4 safety officer went into a classroom  5 situation or a campus situation and did not  6 have knowledge of a student having a  7 disability. Sometimes they may believe that  8 the student was being oppositional or maybe  9 the student just were not -- was not going to  10 conform, or maybe the student just wasn't  11 responding in an expected way.  12 Our school resource officers  13 are trained to extinguish the threat. And so  14 we went through some training and some more  15 information and guidance on how a student  16 with a disability might present differently  17 than a typical aged peer, to provide that  18 information, that level of support, and that  19 level of knowledge when intervening in those  20 areas to help the service become more  21 effective and have that kind of cultural lens  22 or that sensitivity to the actual students  23 who were being supported.  24 BY MR. RICE:  25 Q. And if a school resource</p>	<p style="text-align: right;">Page 237</p> <p>1 did the district provide that training?  2 A. So there wasn't consistent  3 training prior to February of '21. There was  4 not organized consistent training. And so as  5 a result of this committee coming together,  6 that training was established and has been  7 provided since that date.  8 MR. RICE: Let's mark as  9 Exhibit 21, tab 27.  10 (Whereupon, TUSD-Salmon-21,  11 PowerPoint deck, School Resource  12 Officer (SRO) Program Committee  13 Recommendation, was marked for  14 identification.)  15 BY MR. RICE:  16 Q. And this is one of the  17 attachments to the governing board  18 presentation we just looked at.  19 And, Dr. Salmon, this is the  20 presentation that you gave to the board?  21 A. Okay.  22 [Document review.]  23 A. Okay.  24 BY MR. RICE:  25 Q. And the slide labeled Data</p>

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<p style="text-align: right;">Page 238</p> <p>1 Collection, this slide describes higher 2 committee survey students, parents, and staff 3 about the school resource officers, correct? 4 A. Correct. 5 Q. And the next slide titled 6 Findings describes the findings of your 7 committee, correct? 8 A. Correct. 9 Q. And one of those findings was: 10 Student, parent, and staff experiences and 11 perceptions about the SRO program at schools 12 vary widely. 13 For some, the presence of the 14 SRO officer on campus can be intimidating or 15 threatening, while for others it gives a 16 sense of safety. 17 Correct? 18 A. Correct. 19 Q. Let's mark as Exhibit 22, 20 tab 28. 21 (Whereupon, TUSD-Salmon-22, 22 School Resource Officer Student Survey 23 Results, was marked for 24 identification.) 25</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. And then there were also 2 students who agreed with the last statement, 3 that the presence of the SRO makes me feel 4 anxious, correct? 5 MR. CUTLER: Object to form, 6 foundation. 7 A. I agree with that statement, 8 yes. 9 BY MR. RICE: 10 Q. Let's mark as Exhibit 23, 11 tab 29. 12 (Whereupon, TUSD-Salmon-23, Q1 13 Student's School in 2019-2020, was 14 marked for identification.) 15 BY MR. RICE: 16 Q. And this is another attachment 17 to the board agenda item. 18 A. Mm-hmm. 19 Q. And, Dr. Salmon, this 20 summarizes the results of your survey of 21 parents, correct? 22 A. Correct. 23 Q. And according to slide 8, do 24 you see that at the top of this chart, around 25 14% of parents disagreed with the statement</p>
<p style="text-align: right;">Page 239</p> <p>1 BY MR. RICE: 2 Q. And this is another one of the 3 attachments to the board agenda. 4 And, Dr. Salmon, this 5 Exhibit 22 summarizes the findings with 6 respect to the student survey. Correct? 7 A. Correct. 8 Q. And you surveyed 2,448 9 students, correct? 10 A. Correct. 11 Q. And then in the bottom of the 12 second page, there are questions about 13 safety. 14 And do you see that in the 15 first question, there were students who 16 reported that they disagreed with the 17 statement: Having an SRO in my school makes 18 me feel safe. 19 Correct? 20 MR. CUTLER: Object to form, 21 foundation. 22 A. And you just said disagree. 23 So, yes, I see that there are some students 24 who disagree with that statement. 25 BY MR. RICE:</p>	<p style="text-align: right;">Page 241</p> <p>1 that the presence of SROs contributes -- 2 let's see. 3 14% of parents disagree with 4 the statement that SROs makes my child feel 5 safe, correct? 6 MR. CUTLER: I'll object. 7 That's 13%. 8 A. Okay. 9 BY MR. RICE: 10 Q. Approximately 13% of parents 11 report they disagreed with that statement, 12 correct? 13 A. Correct. 14 Q. And approximately 15% of 15 parents agreed with the third statement, that 16 SROs makes my child feel anxious. Correct? 17 A. Correct. 18 Q. And approximately between 13 19 and 14% of parents disagreed with the final 20 statement that SROs contribute to a safer 21 learning environment, correct? 22 A. Correct. 23 Q. You can set that aside. 24 Dr. Salmon, do you personally 25 use social media?</p>

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<p style="text-align: right;">Page 242</p> <p>1 A. Yes, I do.</p> <p>2 Q. Which platforms do you use?</p> <p>3 A. I use Facebook. I use -- I</p> <p>4 have an Instagram account. I don't really</p> <p>5 use it.</p> <p>6 Q. Any other platforms?</p> <p>7 A. YouTube.</p> <p>8 Q. Any other --</p> <p>9 Oh, sorry.</p> <p>10 A. YouTube. That's pretty much</p> <p>11 it.</p> <p>12 Q. Do you use Snapchat?</p> <p>13 A. No.</p> <p>14 Q. What do you typically use</p> <p>15 YouTube for?</p> <p>16 A. I typically use YouTube for,</p> <p>17 like, some recipes or some craft ideas. Some</p> <p>18 projects. I use it for some exercises. I</p> <p>19 use it for spiritual messages. I use it for</p> <p>20 meditations. I use it for videos that I'm</p> <p>21 going to use maybe in a presentation.</p> <p>22 I also use it to record and</p> <p>23 store videos of, like, some kind of</p> <p>24 presentation or celebration for our staff,</p> <p>25 and so then we post that onto our exceptional</p>	<p style="text-align: right;">Page 244</p> <p>1 A. Yes, he has. He's listened to</p> <p>2 some bilingual stories. He's listened to --</p> <p>3 or watched some educational videos that were</p> <p>4 science or social studies related.</p> <p>5 Q. Have you ever complained to</p> <p>6 anyone at his school about the assignment of</p> <p>7 YouTube videos for educational purposes?</p> <p>8 A. No.</p> <p>9 Q. Does your child watch anything</p> <p>10 else on YouTube?</p> <p>11 MR. CUTLER: Object to form.</p> <p>12 A. Not typically. He may have</p> <p>13 watched a cartoon.</p> <p>14 BY MR. RICE:</p> <p>15 Q. Have you ever asked any of the</p> <p>16 defendants to modify any feature on their</p> <p>17 platforms?</p> <p>18 MR. CUTLER: Object to form.</p> <p>19 A. No, I have not.</p> <p>20 MR. RICE: We can go off the</p> <p>21 record.</p> <p>22 THE VIDEOGRAPHER: We are going</p> <p>23 off the record. The time is 1:37.</p> <p>24 (Recess taken, 1:37 p.m. to</p> <p>25 1:44 p.m. MST)</p>
<p style="text-align: right;">Page 243</p> <p>1 education website.</p> <p>2 Q. How often do you use YouTube?</p> <p>3 A. A few times a week. Probably</p> <p>4 three to four times a week.</p> <p>5 Q. Does the exceptional education</p> <p>6 department use any other social media</p> <p>7 platforms besides YouTube?</p> <p>8 A. No.</p> <p>9 Q. Do you have children?</p> <p>10 A. Yes.</p> <p>11 Q. How old are your children?</p> <p>12 A. I have one 7-year-old.</p> <p>13 Q. Does your 7-year-old have a</p> <p>14 cell phone?</p> <p>15 A. No.</p> <p>16 Q. Does your 7-year-old use social</p> <p>17 media?</p> <p>18 A. No.</p> <p>19 Q. Do they use YouTube?</p> <p>20 A. Not usually. Like, if we were</p> <p>21 doing a spiritual message or something</p> <p>22 together. Not independently.</p> <p>23 Q. Has your child ever used</p> <p>24 YouTube for educational purposes or as part</p> <p>25 of homework?</p>	<p style="text-align: right;">Page 245</p> <p>1 THE VIDEOGRAPHER: We are going</p> <p>2 back on record. The time is 1:44.</p> <p>3 MR. RICE: Dr. Salmon, thank</p> <p>4 you so much for your time today. I</p> <p>5 have no further questions.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MR. CUTLER: No questions for</p> <p>8 me.</p> <p>9 THE VIDEOGRAPHER: This</p> <p>10 concludes today's deposition. Total</p> <p>11 time on the record for counsel for</p> <p>12 Snap is 4 hours and 24 minutes. Going</p> <p>13 off the record at 4:24 -- I'm sorry,</p> <p>14 at 1:44.</p> <p>15 (Time noted: 1:45 p.m. MST)</p> <p>16 --o0o--</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1	CERTIFICATE	1	ERRATA SHEET FOR THE TRANSCRIPT OF:
2		2	CASE NAME: In Re: Social Media
3	I, DEBRA A. DIBBLE, RDR, CRR, CRC,	3	DEP DATE: May 23, 2025
4	Notary Public, do hereby certify:	4	DEPONENT: SABRINA M. SALMON, PhD
5	That SABRINA M. SALMON, PhD, the	5	Pg. Ln. Now Reads Should Read Reason
6	witness whose deposition is hereinbefore set	6	— — — — —
7	forth, was duly sworn by me and that such	7	— — — — —
8	deposition is a true record of the testimony	8	— — — — —
9	given by such witness;	9	— — — — —
10	That pursuant to FRCP Rule 30,	10	— — — — —
11	signature of the witness was not requested by	11	— — — — —
12	the witness or other party before the	12	— — — — —
13	conclusion of the deposition;	13	— — — — —
14	I further certify that I am not	14	— — — — —
15	related to any of the parties to this action	15	— — — — —
16	by blood or marriage, and that I am in no	16	— — — — —
17	way interested in the outcome of this matter.	17	— — — — —
18	IN WITNESS WHEREOF, I have	18	— — — — —
19	is 27th day of May,	19	— — — — —
20		20	— — — — —
21		21	— — — — —
22	Debra A. Dibble	22	— — — — —
23	Fellow of the Academy of Professional	23	
24	Reporters	24	X _____
25	Registered Diplomat Reporter	25	SABRINA M. SALMON, PhD
	Certified Realtime Reporter		
	Notary Public 11/17/2027		
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1	I HEREBY CERTIFY that I have read		
2	this transcript of my deposition, and that		
3	this transcript accurately states the		
4	testimony given by me, with the changes or		
5	corrections, if any, as noted.		
6			
7			
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9			
10	X _____		
11	SABRINA M. SALMON, PhD		
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